4–9–01 Monday
Vol. 66 No. 68 April 9, 2001
Pages 18395–18520

Federal Register

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FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: Tuesday, April 17, 2001 at 9:00 a.m.

WHERE: Office of the Federal Register
Conference Room
800 North Capitol Street, NW.
Washington, DC
(3 blocks north of Union Station Metro)

RESERVATIONS: 202–523–4538

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Federal Register

Vol. 66, No. 68

Monday, April 9, 2001

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Federal Register
Vol. 66, No. 68
Monday, April 9, 2001

Presidential Documents

Title 3—

The President

Proclamation 7422 of April 4, 2001

National Organ and Tissue Donor Awareness Week, 2001

By the President of the United States of America

A Proclamation

Organ and tissue transplantation is one of the most significant advances in medicine. Wonderful success stories give hope to people of all ages, and donors and their families deserve our deepest gratitude. Their extraordinary generosity and foresight have given countless individuals the opportunity to rear a family, hold a job, and pursue fuller and more active lives.

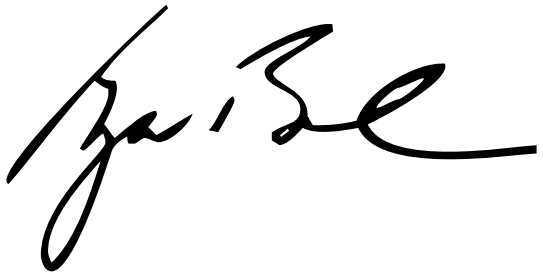
Unfortunately, many people are not able to reap the benefits of remarkable transplant technology. More than 75,000 Americans are on the national organ transplant waiting list, and every 13 minutes, another person will be added to the waiting list. Sadly, each day, 15 of those on the waiting list will die because the need for organs far exceeds the number donated.

The Department of Health and Human Services and health professionals across the country are dedicated to improving these statistics. By becoming organ donors, Americans can join in this important mission to help those suffering from a life- threatening illness caused by the failure of a vital organ. Persons can participate by simply completing and carrying a donor card and informing family and friends of their wish to donate. Such decisions will make a significant difference in the number of available organs for donation.

Many Americans have set a powerful example in this regard, agreeing to become an organ donor and taking a selfless action that may potentially save lives. I encourage other Americans to consider organ donation and to join me in expressing gratitude for those who have already made the gift of life.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 15 through 21, 2001, as National Organ and Tissue Donor Awareness Week. I call upon medical professionals, government agencies, private organizations, and educators to join me in raising awareness of the need for organ donors in communities throughout our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of April, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.



[FR Doc. 01–8834
Filed 4–6–01; 8:45 am]
Billing code 3195–01–P

Presidential Documents

Executive Order 13206 of April 4, 2001

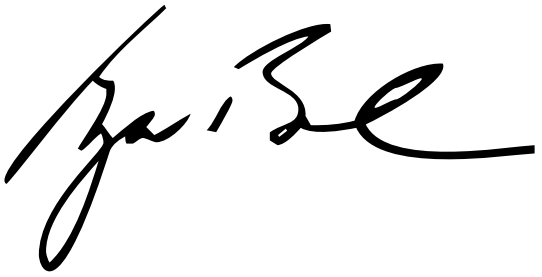
Termination of Emergency Authority for Certain Export Controls

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) (the ''Act''), and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. In view of the reauthorization and extension of the Act by Public Law 106–508, Executive Order 12924 of August 19, 1994, which continued the effect of export control regulations under IEEPA, is revoked, and the declaration of economic emergency is rescinded, as provided in this order.

Sec. 2. The revocation of Executive Order 12924 shall not affect any violation of any rules, regulations, orders, licenses, or other forms of administrative action under that order that occurred during the period the order was in effect. All rules and regulations issued or continued in effect under the authority of IEEPA and Executive Order 12924, including those codified at 15 C.F.R. 730–74 (2000), and all orders, regulations, licenses, and other forms of administrative action issued, taken, or continued in effect pursuant thereto, remain in full force and effect, as if issued, taken, or continued in effect pursuant to and as authorized by the Act or by other appropriate authority until amended or revoked by the proper authority. Nothing in this order shall affect the continued applicability of the provision for the administration of the Act and delegations of authority set forth in Executive Order 12002 of July 7, 1977, Executive Order 12214 of May 2, 1980, Executive Order 12938 of November 14, 1994, as amended, Executive Order 12981 of December 5, 1995, as amended, and Executive Order 13026 of November 15, 1996.

Sec. 3. All rules, regulations, orders, licenses, and other forms of administrative action issued, taken, or continued in effect pursuant to the authority of IEEPA and Executive Order 12924 relating to the administration of section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) shall remain in full force and effect until amended or revoked under proper authority.



THE WHITE HOUSE,
April 4, 2001.

[FR Doc. 01–8835
Filed 4–6–01; 8:45 am]
Billing code 3195–01–P

Presidential Documents

Executive Order 13207 of April 5, 2001

Further Amendment to Executive Order 10000, Regulations Governing Additional Compensation and Credit Granted Certain Employees of the Federal Government Serving Outside the United States

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered that Executive Order 10000, as amended, is further amended as follows:

Section 1. Section 201 is amended:

(a) by striking ''(a)''; and

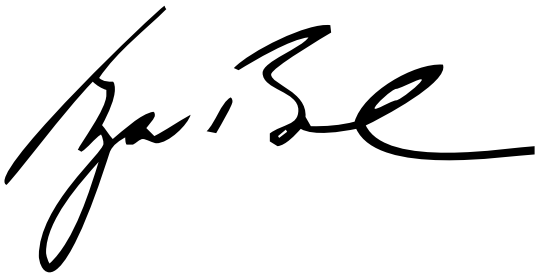
(b) by striking '', and (b) the words 'section 207 of the Act' have the meaning set forth in section 101 hereof.''

Sec. 2. Section 205 is amended by striking ''(a)'' and by striking subsection (b).

Sec. 3. Section 210 is amended:

(a) by striking '', but at least annually,'' and

(b) by striking ''if program or methodology revisions would substantially reduce an established differential or allowance rate, then''.



THE WHITE HOUSE,
April 5, 2001.

[FR Doc. 01–8836
Filed 4–6–01; 8:45 am]
Billing code 3195–01–P

Rules and Regulations

Federal Register
Vol. 66, No. 68
Monday, April 9, 2001

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Parts 738, 740, 744 and 772

[Docket No. 001212346–0346–01]

RIN 0694–AB50

Addition of Brazil, Latvia, and Ukraine to the Nuclear Suppliers Group (NSG) and Other Revisions

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: As a result of the admission of Brazil, Latvia, and Ukraine to the Nuclear Suppliers Group (NSG), this rule adds Brazil, Latvia, and Ukraine to Country Group A, Column A:4 (Nuclear Suppliers) and to the definition of ''Nuclear Suppliers Group.'' On February 12, 1997 (62 FR 6683), BXA published a regulation which removed the license requirement symbol for Brazil and Ukraine from the Commerce Country Chart, NP Column 1 (Nuclear Nonproliferation). This rule removes the license requirement symbol for Latvia from the Commerce Country Chart, NP Column 1. The Nuclear Supplies Group member countries have agreed to establish export licensing procedures for the transfer of items identified on the Annex to the ''Nuclear-Related Dual-Use Equipment, Materials, and Related Technology List,'' which is published by the International Atomic Energy Agency.

In addition, Austria, Finland, Ireland and Sweden are added to ''Countries Not Subject to Certain Nuclear End-Use Restrictions in § 744.2(a)'', because of their commitment to nuclear non-proliferation.

This action will lessen the administrative burden on U.S. exporters, by decreasing licensing requirements for exports of items controlled for Nuclear Nonproliferation (NP) reasons to these countries.

DATES: This rule is effective April 9, 2001.

FOR FURTHER INFORMATION CONTACT: For questions of a general nature, call Sharron Cook, Regulatory Policy Division, at (202) 482–2440.

For questions of a technical nature, contact Steve Claggett, Nuclear Technology Division, at (202) 482–3550.

SUPPLEMENTARY INFORMATION:

Background

As a result of the admission of Brazil, Latvia, and Ukraine to the Nuclear Suppliers Group (NSG), this rule revises Supplement Number 1 to part 740, Country Group A, by adding the symbol ''X'' to Column A:4 (Nuclear Suppliers) for Brazil, adding the countries Latvia and Ukraine to Country Group A, and adding the symbol ''X'' to Column A:4 (Nuclear Suppliers) for Latvia and Ukraine.

Austria, Finland, Ireland, and Sweden are added to the list of countries not subject to certain nuclear end-use restrictions in § 744.2(a) in Supplement Number 3 to part 744. As a matter of policy, the United States has carried out all significant peaceful nuclear cooperation (export of nuclear material, reactors, and major reactor components) with EURATOM (The European Atomic Energy Community) as a single entity from the beginning of EURATOM's existence.

The United States regards the EURATOM safeguards system as providing an important means of verifying that nuclear items exported by the United States are used for exclusively peaceful, non-explosive purposes.

Lastly, this rule revises the definition for ''Nuclear Suppliers Group (NSG)'', in part 772, to include Brazil, Latvia, and Ukraine.

Rulemaking Requirements

1. This final rule has been determined not to be significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. This regulation involves collections previously approved by the Office of Management and Budget under control numbers 0694–0088, ''Multi-Purpose Application,'' which carries a burden hour estimate of 45 minutes per manual submission and 40 minutes per electronic submission. Miscellaneous and recordkeeping activities account for 12 minutes per submission.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 12612.

4. The provisions of the Administrative Procedure Act requiring notice of proposed rule making, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military or foreign affairs function of the United States (see 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rule making and an opportunity for public comment be given for this rule. Because a notice of proposed rule making and opportunities for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Sharron Cook, Office of Exporter Services, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects

15 CFR Parts 738 and 772

Exports, Foreign trade.

15 CFR Part 740

Administrative practice and procedure, Exports, Foreign trade, Reporting and recordkeeping requirements.

15 CFR Part 744

Exports, Foreign trade, Reporting and recordkeeping requirements.

Accordingly, parts 738, 740, 744 and 772 of the Export Administration Regulations (15 CFR parts 730–799) are amended as follows:

1. The authority citation for 15 CFR part 738 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; Pub. L. No. 106–508; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c; 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; Notice of August 3, 2000 (65 FR 48347, August 8, 2000).

2. The authority citation for 15 CFR parts 740 and 772 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; Pub. L. No. 106–508; 50 U.S.C. 1701 *et seq.*; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; Notice of August 3, 2000 (65 FR 48347, August 8, 2000).

3. The authority citation for 15 CFR part 744 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; Pub. L. No. 106–508; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; Notice of November 9, 2000 (65 FR 68063, November 13, 2000); Notice of August 3, 2000 (65 FR 48347, August 8, 2000).

PART 738—[AMENDED]

3a. Supplement No. 1 to part 738 is amended by removing the ''X'' under ''NP 1'' in the ''Nuclear non-proliferation'' column for ''Latvia.''

PART 740—[AMENDED]

4. Supplement Number 1 to part 740 is amended in the table for Country Group A by adding entries for Latvia and Ukraine in alphabetic order and revising the entry for Brazil to read as follows:

Supplement No. 1 to Part 740

COUNTRY GROUP A

Country	Missile technology control regime	Australia group	Nuclear suppliers group
	[A:1]	[A:2]	[A:3]	[A:4]
Brazil		X		X
* * * * * * *				
Latvia				X
* * * * * * *				
Ukraine				X
* * * * * * *				

* * * * *

PART 744—[AMENDED]

5. Supplement No. 3 to part 744, Countries Not Subject to Certain Nuclear End-Use Restrictions in § 744.2(a), is amended by adding the countries, ''Austria,'' ''Finland,'' ''Ireland,'' and ''Sweden'' in alphabetical order.

PART 772—[AMENDED]

6. Section 772.1 is amended by revising the definition of ''Nuclear Suppliers Group (NSG)'' to read as follows:

§ 772.1 Definitions of terms as used in the Export Administration Regulations (EAR).

* * * * *

Nuclear Suppliers Group (NSG). The United States and other nations in this multilateral control regime have agreed to guidelines for restricting the export or reexport of items with nuclear applications. Members include: Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Russia, Slovak Republic, Spain, South Africa, Sweden, Switzerland, Ukraine, the United Kingdom, and the United States. See also § 742.3 of the EAR.

* * * * *

Dated: April 3, 2001.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 01–8634 Filed 4–6–01; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Part 774

[Docket No. 010108008–1008–01]

RIN 0694–AC39

Implementation of the Wassenaar Arrangement List of Dual-Use Items: Revisions to Microprocessors, Graphic Accelerators, and External Interconnects

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Export Administration (BXA) maintains the Commerce Control List (CCL), which identifies those items subject to Department of Commerce export controls. The CCL also reflects multilateral national security controls established by the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods (the Wassenaar Arrangement), of which the United States is a founding member. The Wassenaar Arrangement controls strategic items with the objective of improving regional and international security and stability.

In this regard, on December 1, 2000, the Wassenaar Arrangement agreed to implement several changes in its List of Dual-Use Goods and Technologies. This final rule revises the CCL to implement certain recently agreed changes in Category 3 (Electronics) and Category 4 (Computers) of the Wassenaar List of Dual-Use Goods and Technologies, specifically in the areas of microprocessors, graphic accelerators, and external interconnects. This change is being implemented to reflect rapid technological advances and controllability factors. Additional changes in the Wassenaar Dual-Use List

will be implemented in the CCL in a supplemental regulation.

DATES: This rule is effective April 9, 2001.

FOR FURTHER INFORMATION CONTACT: Tanya Hodge Mottley in the Office of Strategic Trade and Foreign Policy Controls, Bureau of Export Administration, U.S. Department of Commerce at (202) 482–1837.

SUPPLEMENTARY INFORMATION: BXA will be publishing a separate regulation to implement other changes recently agreed to on the Wassenaar List of Dual-Use Goods and Technologies. These revisions will include changes to ECCNs in Categories 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins), 2 (Materials Processing), 3 (Electronics), 4 (Computers), 5 part 1 (Telecommunications), 5 part 2 (Information Security), 6 (Lasers and Sensors), 7 (Navigation and Avionics), and 9 (Propulsion Systems, Space Vehicles and Related Equipment).

This final rule revises the Commerce Control List to implement recently agreed changes in the Wassenaar List of Dual-Use Goods and Technologies, as follows:

Category 3—Electronics

3A001—amended by:

(1) Increasing the composite theoretical performance (CTP) control parameter for microprocessors in 3A001.a.3.a from 3,500 million theoretical operations per second (MTOPS) to 6,500 MTOPS to account for technological advances and controllability factors (3A001.a.3.a); and

(2) Removing License Exception CIV eligibility for microprocessors, as the CIV limit has been surpassed by the new higher control threshold and BXA has determined that CIV eligibility above the new threshold is not warranted.

4A003—amended by:

(1) Removing the License Exception CIV eligibility for graphic accelerators, as the CIV limit has been surpassed by the new higher control threshold and BXA has determined that CIV eligibility above the new threshold is not warranted.

(2) Revising paragraph (d) in the List of Items Controlled to increase the national security (NS) control level for graphics accelerators and coprocessors from 3 M vectors/sec to 200 M vectors/sec.

(3) Revising paragraph (g) in the List of Items Controlled to increase the NS control level for external interconnects from a data rate of 80 Mbyte/sec to 1.25 Gbyte/sec.

4A994—amended by adding Anti-Terrorism (AT) controls for external interconnects with data rates exceeding 80 Mbyte/s but less than 1.25 Gbyte/sec. These external interconnects have been removed from NS controls as a result of recent changes made by the Wassenaar Arrangement, but continue to remain controlled for AT reasons under this entry.

Rulemaking Requirements

1. This final rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. This regulation involves collections previously approved by Office of Management Budget under control numbers 0694–0088, ''Multi-Purpose Application,'' which carries a burden hour estimate of 45 minutes per manual submission and 40 minutes per electronic submission. Miscellaneous and recordkeeping activities account for 12 minutes per submission. Information is also collected under OMB control number 0694–0107, ''National Defense Authorization Act,'' Advance Notifications and Post-Shipment Verification Reports, which carries a burden hour estimate of 15 minutes per report. This rule also involves collections of information under OMB control number 0694–0073, ''Export Controls of High Performance Computers'' and OMB control number 0694–0093, ''Import Certificates and End-User Certificates''.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act requiring notice of proposed rule making, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military or foreign affairs function of the United States (see 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rule making and an opportunity for public comment be given for this rule. Because a notice of proposed rule making and opportunities for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Office of Exporter Services, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, D.C. 20044.

List of Subjects 15 CFR Part 774

Exports, Foreign trade, Reporting and recordkeeping requirements.

Accordingly, part 774 of the Export Administration Regulations (15 CFR Parts 730–799) is amended as follows:

1. The authority citation for part 774 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; Pub. L. No. 106–508; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*, 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; Notice of August 3, 2000 (65 FR 48347, August 8, 2000).

PART 774—[AMENDED]

2. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics is amended by revising the ''License Exceptions'' and ''List of Items Controlled'' section of Export Control Classification Number (ECCN) 3A001, to read as follows:

3A001 Electronic components, as follows (see List of Items Controlled).

* * * * *

License Exceptions

LVS: N/A for MT
  $1500: 3A001.c
  $3000: 3A001.b.1, b.2, b.3, .d, .e and .f
  $5000: 3A001.a, and .b.4 to b.7
GBS: Yes, except 3A001.a.1.a, b.1, b.3 to b.7, .c to .f
CIV: Yes, except 3A001.a.1, a.2, a.3.a , a.5, a.6, a.9, a.10, and a.12, .b, .c, .d, .e, and .f

List of Items Controlled

Unit: Number
Related Controls: See also 3A101, 3A201, and 3A991
Related Definitions: For the purposes of integrated circuits in 3A001.a.1, 5×10^3 Gy(Si) = 5×10^5 Rads (Si); 5×10^6 Gy (Si)/s = 5×10^8 Rads (Si)/s.
Items:

a. General purpose integrated circuits, as follows:

Note 1: The control status of wafers (finished or unfinished), in which the function has been determined, is to be evaluated against the parameters of 3A001.a.

Note 2: Integrated circuits include the following types:

''Monolithic integrated circuits'';
''Hybrid integrated circuits'';
''Multichip integrated circuits'';
''Film type integrated circuits'', including silicon-on-sapphire integrated circuits;
''Optical integrated circuits''

a.1. Integrated circuits, designed or rated as radiation hardened to withstand any of the following:

a.1.a. A total dose of 5×10^3 Gy (Si), or higher; *or*

a.1.b. A dose rate upset of 5×10^6 Gy (Si)/s, or higher;

a.2. ''Microprocessor microcircuits'', ''microcomputer microcircuits'', microcontroller microcircuits, storage integrated circuits manufactured from a compound semiconductor, analog-to-digital converters, digital-to-analog converters, electro-optical or ''optical integrated circuits'' designed for ''signal processing'', field programmable logic devices, neural network integrated circuits, custom integrated circuits for which either the function is unknown or the control status of the equipment in which the integrated circuit will be used is unknown, Fast Fourier Transform (FFT) processors, electrical erasable programmable read-only memories (EEPROMs), flash memories or static random-access memories (SRAMs), having any of the following:

a.2.a. Rated for operation at an ambient temperature above 398 K (125 °C);

a.2.b. Rated for operation at an ambient temperature below 218 K (−55 °C); *or*

a.2.c. Rated for operation over the entire ambient temperature range from 218 K (−55 °C) to 398 K (125 °C);

Note: 3A001.a.2 does not apply to integrated circuits for civil automobiles or railway train applications.

a.3. ''Microprocessor microcircuits'', ''micro-computer microcircuits'' and microcontroller microcircuits, having any of the following characteristics:

Note: 3A001.a.3 includes digital signal processors, digital array processors and digital coprocessors.

a.3.a. A ''composite theoretical performance'' (''CTP'') of 6,500 million theoretical operations per second (MTOPS) or more and an arithmetic logic unit with an access width of 32 bit or more;

a.3.b. Manufactured from a compound semiconductor and operating at a clock frequency exceeding 40 MHz; or

a.3.c. More than one data or instruction bus or serial communication port for external interconnection in a parallel processor with a transfer rate exceeding 2.5 Mbyte/s;

a.4. Storage integrated circuits manufactured from a compound semiconductor;

a.5. Analog-to-digital and digital-to-analog converter integrated circuits, as follows:

a.5.a. Analog-to-digital converters having any of the following:

a.5.a.1. A resolution of 8 bit or more, but less than 12 bit, with a total conversion time of less than 10 ns;

a.5.a.2. A resolution of 12 bit with a total conversion time of less than 200 ns; or

a.5.a.3. A resolution of more than 12 bit with a total conversion time of less than 2 μs;

a.5.b. Digital-to-analog converters with a resolution of 12 bit or more, and a ''settling time'' of less than 10 ns;

Technical Note

1. A resolution of n bit corresponds to a quantization of 2^n levels.

2. Total conversion time is the inverse of the sample rate.

a.6. Electro-optical and ''optical integrated circuits'' designed for ''signal processing'' having all of the following:

a.6.a. One or more than one internal ''laser'' diode;

a.6.b. One or more than one internal light detecting element; and

a.6.c. Optical waveguides;

a.7. Field programmable logic devices having any of the following:

a.7.a. An equivalent usable gate count of more than 30,000 (2 input gates);

a.7.b. A typical ''basic gate propagation delay time'' of less than 0.4 ns; or

a.7.c. A toggle frequency exceeding 133 Mhz;

Note: 3A001.a.7 includes: Simple Programmable Logic Devices (SPLDs), Complex Programmable Logic Devices (CPLDs), Field Programmable Gate Arrays (FPGAs), Field Programmable Logic Arrays (FPLAs), and Field Programmable Interconnects (FPICs).

N.B.: Field programmable logic devices are also known as field programmable gate or field programmable logic arrays.

a.8. Reserved.

a.9. Neural network integrated circuits;

a.10. Custom integrated circuits for which the function is unknown, or the control status of the equipment in which the integrated circuits will be used is unknown to the manufacturer, having any of the following:

a.10.a. More than 208 terminals;

a.10.b. A typical ''basic gate propagation delay time'' of less than 0.35 ns; or

a.10.c. An operating frequency exceeding 3 GHz;

a.11. Digital integrated circuits, other than those described in 3A001.a.3 to 3A001.a.10 and 3A001.a.12 based upon any compound semiconductor and having any of the following:

a.11.a. An equivalent gate count of more than 3,000 (2 input gates); or

a.11.b. A toggle frequency exceeding 1.2 GHz;

a.12. Fast Fourier Transform (FFT) processors having any of the following:

a.12.a. A rated execution time for a 1,024 point complex FFT of less than 1 ms;

a.12.b. A rated execution time for an N-point complex FFT of other than 1,024 points of less than $N \log_2 N$/10,240 ms, where N is the number of points; or

a.12.c. A butterfly throughput of more than 5.12 MHz;

b. Microwave or millimeter wave components, as follows:

b.1. Electronic vacuum tubes and cathodes, as follows:

Note: 3A001.b.1 does not control tubes designed or rated to operate in the ITU allocated bands at frequencies not exceeding 31 GHz.

b.1.a. Traveling wave tubes, pulsed or continuous wave, as follows:

b.1.a.1. Operating at frequencies higher than 31 GHz;

b.1.a.2. Having a cathode heater element with a turn on time to rated RF power of less than 3 seconds;

b.1.a.3. Coupled cavity tubes, or derivatives thereof, with an ''instantaneous bandwidth'' of more than 7% or a peak power exceeding 2.5 kW;

b.1.a.4. Helix tubes, or derivatives thereof, with any of the following characteristics:

b.1.a.4.a. An ''instantaneous bandwidth'' of more than one octave, and average power (expressed in kW) times frequency (expressed in GHz) of more than 0.5;

b.1.a.4.b. An ''instantaneous bandwidth'' of one octave or less, and average power (expressed in kW) times frequency (expressed in GHz) of more than 1; or

b.1.a.4.c. Being ''space qualified'';

b.1.b. Crossed-field amplifier tubes with a gain of more than 17 Db;

b.1.c. Impregnated cathodes designed for electronic tubes producing a continuous emission current density at rated operating conditions exceeding 5 A/cm^2;

b.2. Microwave integrated circuits or modules having all of the following:

b.2.a. Containing ''monolithic integrated circuits''; and

b.2.b. Operating at frequencies above 3 GHz;

Note: 3A001.b.2 does not control circuits or modules for equipment designed or rated

to operate in the ITU allocated bands at frequencies not exceeding 31 GHz.

b.3. Microwave transistors rated for operation at frequencies exceeding 31 GHz;

b.4. Microwave solid state amplifiers, having any of the following:

b.4.a. Operating frequencies exceeding 10.5 GHz and an ''instantaneous bandwidth'' of more than half an octave; or

b.4.b. Operating frequencies exceeding 31 GHz;

b.5. Electronically or magnetically tunable band-pass or band-stop filters having more than 5 tunable resonators capable of tuning across a 1.5:1 frequency band (F_{max}/F_{min}) in less than 10 μs having any of the following:

b.5.a. A band-pass bandwidth of more than 0.5% of center frequency; or

b.5.b. A band-stop bandwidth of less than 0.5% of center frequency;

b.6. Microwave ''assemblies'' capable of operating at frequencies exceeding 31 GHz;

b.7. Mixers and converters designed to extend the frequency range of equipment described in 3A002.c, 3A002.e or 3A002.f beyond the limits stated therein;

b.8. Microwave power amplifiers containing tubes controlled by 3A001.b and having all of the following:

b.8.a. Operating frequencies above 3 GHz;

b.8.b. An average output power density exceeding 80 W/kg; and

b.8.c. A volume of less than 400 cm^3;

Note: 3A001.b.8 does not control equipment designed or rated for operation in an ITU allocated band.

c. Acoustic wave devices, as follows, and specially designed components therefor:

c.1. Surface acoustic wave and surface skimming (shallow bulk) acoustic wave devices (i.e., ''signal processing'' devices employing elastic waves in materials), having any of the following:

c.1.a. A carrier frequency exceeding 2.5 GHz;

c.1.b. A carrier frequency exceeding 1 GHz, but not exceeding 2.5 GHz, and having any of the following:

c.1.b.1. A frequency side-lobe rejection exceeding 55 Db;

c.1.b.2. A product of the maximum delay time and the bandwidth (time in μs and bandwidth in MHz) of more than 100;

c.1.b.3. A bandwidth greater than 250 MHz; or

c.1.b.4. A dispersive delay of more than 10 μs; or

c.1.c. A carrier frequency of 1 GHz or less, having any of the following:

c.1.c.1. A product of the maximum delay time and the bandwidth (time in μs and bandwidth in MHz) of more than 100;

c.1.c.2. A dispersive delay of more than 10 μs; or

c.1.c.3. A frequency side-lobe rejection exceeding 55 Db and a bandwidth greater than 50 MHz;

c.2. Bulk (volume) acoustic wave devices (i.e., ''signal processing'' devices employing elastic waves) that permit the direct processing of signals at frequencies exceeding 1 GHz;

c.3. Acoustic-optic ''signal processing'' devices employing interaction between acoustic waves (bulk wave or surface wave) and light waves that permit the direct processing of signals or images, including spectral analysis, correlation or convolution;

d. Electronic devices and circuits containing components, manufactured from ''superconductive'' materials specially designed for operation at temperatures below the ''critical temperature'' of at least one of the ''superconductive'' constituents, with any of the following:

d.1. Current switching for digital circuits using ''superconductive'' gates with a product of delay time per gate (in seconds) and power dissipation per gate (in watts) of less than 10^{14} J; or

d.2. Frequency selection at all frequencies using resonant circuits with Q-values exceeding 10,000;

e. High energy devices, as follows:

e.1. Batteries and photovoltaic arrays, as follows:

Note: 3A001.e.1 does not control batteries with volumes equal to or less than 27 cm^3 (e.g., standard C-cells or R14 batteries).

e.1.a. Primary cells and batteries having an energy density exceeding 480 Wh/kg and rated for operation in the temperature range from below 243 K (− 30 °C) to above 343 K (70 °C);

e.1.b. Rechargeable cells and batteries having an energy density exceeding 150 Wh/kg after 75 charge/discharge cycles at a discharge current equal to C/5 hours (C being the nominal capacity in ampere hours) when operating in the temperature range from below 253 K (− 20 °C) to above 333 K (60 °C);

Technical Note: Energy density is obtained by multiplying the average power in watts (average voltage in volts times average current in amperes) by the duration of the discharge in hours to 75% of the open circuit voltage divided by the total mass of the cell (or battery) in kg.

e.1.c. ''Space qualified'' and radiation hardened photovoltaic arrays with a specific power exceeding 160 W/m^2 at an operating temperature of 301 K (28 °C) under a tungsten illumination of 1 kW/m^2 at 2,800 K (2,527 °C);

e.2. High energy storage capacitors, as follows:

e.2.a. Capacitors with a repetition rate of less than 10 Hz (single shot capacitors) having all of the following:

e.2.a.1. A voltage rating equal to or more than 5 kV;

e.2.a.2. An energy density equal to or more than 250 J/kg; and

e.2.a.3. A total energy equal to or more than 25 kJ;

e.2.b. Capacitors with a repetition rate of 10 Hz or more (repetition rated capacitors) having all of the following:

e.2.b.1. A voltage rating equal to or more than 5 kV;

e.2.b.2. An energy density equal to or more than 50 J/kg;

e.2.b.3. A total energy equal to or more than 100 J; and

e.2.b.4. A charge/discharge cycle life equal to or more than 10,000;

e.3. ''Superconductive'' electromagnets and solenoids specially designed to be fully charged or discharged in less than one second, having all of the following:

Note: 3A001.e.3 does not control ''superconductive'' electromagnets or solenoids specially designed for Magnetic Resonance Imaging (MRI) medical equipment.

e.3.a. Energy delivered during the discharge exceeding 10 kJ in the first second;

e.3.b. Inner diameter of the current carrying windings of more than 250 mm; and

e.3.c. Rated for a magnetic induction of more than 8 T or ''overall current density'' in the winding of more than 300 A/mm^2;

f. Rotary input type shaft absolute position encoders having any of the following:

f.1. A resolution of better than 1 part in 265,000 (18 bit resolution) of full scale; or

f.2. An accuracy better than ± 2.5 seconds of arc.

* * * * *

3. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4—Computers is amended by revising ''License Exceptions'' and ''List of Items Controlled'' sections of Export Control Classification Number (ECCN) 4A003; and by revising the ''List of Items Controlled'' section in ECCN 4A994, to read as follows:

4A003 ''Digital computers'', ''electronic assemblies'', and related equipment therefor, and specially designed components therefor.

* * * * *

License Exceptions

LVS: $5000; N/A for MT ''digital'' computers controlled by 4A003.b and having a CTP exceeding 12,500 MTOPS;

or ''electronic assemblies'' controlled by 4A003.c and capable of enhancing performance by aggregation of ''computing elements'' so that the CTP of the aggregation exceeds 12,500 MTOPS.

GBS: Yes, for 4A003.d, .e, and .g and specially designed components therefor, exported separately or as part of a system.

CTP: Yes, for computers controlled by 4A003.a, .b and .c, to the exclusion of other technical parameters, with the exception of parameters specified as controlled for Missile Technology (MT) concerns and 4A003.e (equipment performing analog-to-digital or digital-to-analog conversions exceeding the limits of 3A001.a.5.a). See § 740.7 of the EAR.

CIV: Yes, for .e, and .g.

List of Items Controlled

Unit: Equipment in number; parts and accessories in $ value

Related Controls: See also 4A994 and 4A980

Related Definitions: N/A

Items:

Note 1: 4A003 includes the following:

a. Vector processors;

b. Array processors;

c. Digital signal processors;

d. Logic processors;

e. Equipment designed for ''image enhancement'';

f. Equipment designed for ''signal processing''.

Note 2: The control status of the ''digital computers'' and related equipment described in 4A003 is determined by the control status of other equipment or systems provided:

a. The ''digital computers'' or related equipment are essential for the operation of the other equipment or systems;

b. The ''digital computers'' or related equipment are not a ''principal element'' of the other equipment or systems; and

N.B. 1: The control status of ''signal processing'' or ''image enhancement'' equipment specially designed for other equipment with functions limited to those required for the other equipment is determined by the control status of the other equipment even if it exceeds the ''principal element'' criterion.

N.B. 2: For the control status of ''digital computers'' or related equipment for telecommunications equipment, see Category 5, Part 1 (Telecommunications).

c. The ''technology'' for the ''digital computers'' and related equipment is determined by 4E.

a. Designed or modified for ''fault tolerance'';

Note: For the purposes of 4A003.a., ''digital computers'' and related equipment are not considered to be designed or modified for ''fault tolerance'' if they utilize any of the following:

1. Error detection or correction algorithms in ''main storage'';

2. The interconnection of two ''digital computers'' so that, if the active central processing unit fails, an idling but mirroring central processing unit can continue the system's functioning;

3. The interconnection of two central processing units by data channels or by use of shared storage to permit one central processing unit to perform other work until the second central processing unit fails, at which time the first central processing unit takes over in order to continue the system's functioning; or

4. The synchronization of two central processing units by ''software'' so that one central processing unit recognizes when the other central processing unit fails and recovers tasks from the failing unit.

b. ''Digital computers'' having a ''composite theoretical performance'' (''CTP'') exceeding 6,500 million theoretical operations per second (MTOPS);

c. ''Electronic assemblies'' specially designed or modified to be capable of enhancing performance by aggregation of ''computing elements'' (''CEs'') so that the ''CTP'' of the aggregation exceeds the limit in 4A003.b.;

Note 1: 4A003.c applies only to ''electronic assemblies'' and programmable interconnections not exceeding the limit in 4A003.b. when shipped as unintegrated ''electronic assemblies''. It does not apply to ''electronic assemblies'' inherently limited by nature of their design for use as related equipment controlled by 4A003.d, or 4A003.e

Note 2: 4A003.c does not control ''electronic assemblies'' specially designed for a product or family of products whose maximum configuration does not exceed the limit of 4A003.b.

d. Graphics accelerators and graphics coprocessors exceeding a ''three dimensional Vector Rate'' of 200,000,000;

e. Equipment performing analog-to-digital conversions exceeding the limits in 3A001.a.5;

f. Reserved.

g. Equipment specially designed to provide external interconnection of ''digital computers'' or associated equipment that allows communications at data rates exceeding 1.25 Gbyte/s.

Note: 4A003.g does not control internal interconnection equipment (e.g., backplanes, buses) passive interconnection equipment, ''network access controllers'' or ''communication channel controllers''.

* * * * *

4A994 Computers, ''Electronic Assemblies'', and Related Equipment Not Controlled by 4A001, 4A002, or 4A003, and Specially Designed Components Therefor

* * * * *

List of Items Controlled

Unit: Equipment in number; parts and accessories in $ value

Related Controls: N/A

Related Definitions: N/A

Items:

a. Electronic computers and related equipment, and ''electronic assemblies'' and specially designed components therefor, rated for operation at an ambient temperature above 343 K (70 °C);

b. ''Digital computers'' having a ''composite theoretical performance'' (''CTP'') equal to or greater than 6 million theoretical operations per second (MTOPS);

c. ''Electronic assemblies'' that are specially designed or modified to enhance performance by aggregation of ''computing elements'' (''CEs''), as follows:

c.1. Designed to be capable of aggregation in configurations of 16 or more ''computing elements'' (''CEs''); or

c.2. Having a sum of maximum data rates on all channels available for connection to associated processors exceeding 40 million Byte/s;

Note 1: 4A994.c applies only to ''electronic assemblies'' and programmable interconnections with a ''CTP'' not exceeding the limits in 4A994.b, when shipped as unintegrated ''electronic assemblies''. It does not apply to ''electronic assemblies'' inherently limited by nature of their design for use as related equipment controlled by 4A994.

Note 2: 4A994.c does not control any ''electronic assembly'' specially designed for a product or family of products whose maximum configuration does not exceed the limits of 4A994.b.

d. Disk drives and solid state storage equipment:

d.1. Magnetic, erasable optical or magneto-optical disk drives with a ''maximum bit transfer rate'' exceeding 25 million bit/s;

d.2. Solid state storage equipment, other than ''main storage'' (also known as solid state disks or RAM disks), with a ''maximum bit transfer rate'' exceeding 36 million bit/s;

e. Input/output control units designed for use with equipment controlled by 4A994.d;

f. Equipment for ''signal processing'' or ''image enhancement'' having a ''composite theoretical performance'' (''CTP'') exceeding 8.5 million theoretical operations per second (MTOPS);

g. Graphics accelerators or graphics coprocessors that exceed a ''three dimensional vector rate'' of 400,000 or, if supported by 2–D vectors only, a ''two dimensional vector rate'' of 600,000;

Note: The provisions of 4A994.g do not apply to work stations designed for and limited to:

a. Graphic arts (e.g., printing, publishing); *and*

b. The display of two-dimensional vectors.

h. Color displays or monitors having more than 120 resolvable elements per cm in the direction of the maximum pixel density;

Note 1: 4A994.h does not control displays or monitors not specially designed for electronic computers.

Note 2: Displays specially designed for air traffic control (ATC) systems are treated as specially designed components for ATC systems under Category 6.

i. Equipment containing ''terminal interface equipment'' exceeding the limits in 5A991.

Note: For the purposes of 4A994.i, ''terminal interface equipment'' includes ''local area network'' interfaces, modems and other communications interfaces. ''Local area network'' interfaces are evaluated as ''network access controllers''.

j. Equipment specially designed to provide external interconnection of ''digital computers'' or associated equipment that allows communications at data rates exceeding 80 Mbyte/s.

Note: 4A994.j does not control internal interconnection equipment (e.g., backplanes, buses) passive interconnection equipment, ''network access controllers'' or ''communication channel controllers''.

* * * * *

Dated: April 3, 2001.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 01–8636 Filed 4–6–01; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–01–045]

RIN 2115–AE47

Drawbridge Operation Regulations; Jamaica Bay and Connecting Waterways, New York

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary final rule governing the operation of the Marine Parkway Bridge, at mile 3.0, across Rockaway Inlet in New York. This temporary final rule allows the bridge owner to open this vertical lift bridge to a maximum of 105 feet for vessel traffic from 8 a.m. on April 30, 2001 through 4:30 p.m. on December 31, 2001. This action is necessary to facilitate maintenance at the bridge.

DATES: This temporary final rule is effective from April 30, 2001 through December 31, 2001.

ADDRESSES: The public docket and all documents referred to in this notice are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Schmied, Project Officer, First Coast Guard District, (212) 668–7165.

SUPPLEMENTARY INFORMATION:

Regulatory Information

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing a NPRM because the Coast Guard has determined that it is unnecessary. No vessels known to use this waterway would be precluded from transiting the bridge as a result of the reduction in vertical opening capability from 152 feet to 105 feet. The bridge has not opened beyond 105 feet during the past four years. Additionally, conclusive information from the bridge owner confirming the start date for this bridge maintenance was not provided to the Coast Guard until March 15, 2001. As a result, it was impracticable to draft or publish a NPRM in advance of the requested start date for this necessary maintenance. Any delay encountered in this regulation's effective date would be contrary to the public interest because these repairs are necessary to insure public safety and insure continued operation of the bridge.

Background

The Marine Parkway Bridge, at mile 3.0, across Rockaway Inlet has a vertical clearance of 152 feet at mean high water and 156 feet at mean low water in the full open position. The existing regulations are listed at 33 CFR 117.795(a).

The bridge owner, the Metropolitan Transit Administration (MTA) Bridges and Tunnels, requested that the bridge be allowed to open no greater than 105 feet above mean high water to facilitate repairs at the bridge. The Coast Guard has determined that the bridge has not opened greater than 105 feet during the past four years.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). This conclusion is based on the fact that the bridge will still continue to open for navigation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612) we considered whether this rule would have a significant economic impact on a substantial number of small entities. ''Small entities'' comprises small businesses, not-for profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This conclusion is based on the fact that the bridge will continue to open for navigation.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and

Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (32)(e) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have a significant effect on the environment. A written ''Categorical Exclusion Determination'' is not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. From April 30, 2001 through December 31, 2001, § 117.795 is temporarily amended by suspending paragraph (a) and adding a new paragraph (d) to read as follows:

§ 117.795 Jamaica Bay and connecting waterways.

* * * * *

(d) The draw of the Marine Parkway Bridge, mile 3.0, over Rockaway Inlet, shall open on signal, to a maximum vertical height of 105 feet above mean high water, Monday through Friday from 8 a.m. to 4 p.m. At all other times, the draw shall open on signal, to a maximum vertical height of 105 feet above mean high water, if at least an eight-hour notice is given; however, the draw shall open on signal if at least one-hour notice is given for the passage of U.S. Navy or National Oceanic and Atmospheric Administration vessels.

Dated: March 29, 2001.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 01–8445 Filed 4–6–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–01–008]

Drawbridge Operating Regulation; Lake Pontchartrain, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the north bascule span of the US 11 bridge across Lake Pontchartrain between New Orleans and Slidell, Orleans and St. Tammany Parishes, Louisiana. This deviation allows one leaf of the north bascule span of the US 11 bridge to be maintained in the closed-to-navigation position continuously from 1 a.m. on Monday, May 1, 2001 until 6 p.m. on Friday, June 29, 2001. This temporary deviation was issued to allow for the replacement of the south leaf trunnions of the north channel bascule span and the cleaning and painting of both leaves of the bascule span. Presently, the draw opens on signal for the passage of vessels.

DATES: This deviation is effective from 1 a.m. on Monday, May 1, 2001 through 6 p.m. on Friday, June 29, 2001.

ADDRESSES: Unless otherwise indicated, documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana, 70130–3396. The Bridge Administration Branch of the Eighth Coast Guard District maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: David Frank, Bridge Administration Branch, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION: The US 11 bascule bridge across Lake Pontchartrain, between New Orleans and Slidell, has a vertical clearance of 13 feet above mean high water in the closed-to-navigation position and unlimited in the open-to-navigation position. Navigation on the waterway consists of tugs with tows, fishing vessels, sailing vessels, and other recreational craft. The Louisiana Department of Transportation and Development requested a temporary deviation from the normal operation of the drawbridge in order to accommodate the repair and maintenance work including the cleaning and painting of both leaves of the north channel bascule. A similar span restriction occurred in 2000 for the replacement of the north leaf trunnions of the north channel bascule span. During that closure, traffic was able to pass with little inconvenience.

This deviation allows one of the leaves of the north channel bascule span of the US 11 bridge across Lake Pontchartrain, between New Orleans and Slidell, Orleans and St. Tammany Parishes, Louisiana, to be maintained in the closed-to-navigation position continuously from 1 a.m. on Monday, May 1, 2001 until 6 p.m. on Friday, June 29, 2001.

Dated: March 27, 2001.

J.C. Van Sice,

Captain, U.S. Coast Guard, Commander, 8th Coast Guard District, Acting.

[FR Doc. 01–8638 Filed 4–6–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–01–023]

Drawbridge Operation Regulations: Kennebec River, ME

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the Carlton Bridge, mile 14.0, across the Kennebec River between Bath and Woolwich, Maine. This deviation from the regulations authorizes the bridge owner to need not open the Carlton Bridge for vessel traffic from April 2, 2001 through May 13, 2001. This deviation is necessary in order to facilitate necessary repairs at the bridge.

DATES: This deviation is effective from April 2, 2001, through May 13, 2001.

FOR FURTHER INFORMATION CONTACT: John McDonald, Project Officer, First Coast Guard District, at (617) 223–8364.

SUPPLEMENTARY INFORMATION: The Carlton Bridge, at mile 14.0, across the Kennebec River has a vertical clearance in the closed position of 10 feet at mean high water and 16 feet at mean low water. The existing drawbridge operating regulations are listed at 33 CFR 117.525.

The bridge owner, Maine Department of Transportation (MDOT), requested a temporary deviation from the drawbridge operating regulations to facilitate the rehabilitation repairs at the bridge. This deviation to the operating regulations authorizes the owner of the Carlton Bridge to need not open the bridge for the passage of vessel traffic from April 2, 2001 through May 13, 2001.

The bridge owner provided less than 30 days notice to the Coast Guard of its request to deviate from the drawbridge regulations on the specified dates. However, a deviation was previously approved to perform this work March 19, 2001 through April 30, 2001; that work was cancelled due to severe weather conditions during that period that required the Coast Guard to continue ice breaking operations on the Kennebec River through the end of March. These measures were deemed necessary by Coast Guard and Maine Emergency Management officials in order to avoid potential regional flooding along the Kennebec River. Delaying the commencement of this maintenance to require an additional 30 days notice would be unnecessary and contrary to the public interest this work involves maintenance that must be performed without undue delay.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: March 28, 2001.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 01–8639 Filed 4–6–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 010119023–1062–02; I.D. 121900A]

RIN 0648–AO80

Pacific Halibut Fisheries; Catch Sharing Plans; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; annual management measures for Pacific halibut fisheries and approval of catch sharing plans; correction.

SUMMARY: This document corrects the final rule, published in the **Federal Register** on March 21, 2001, which contains annual management measures for Pacific halibut fisheries and an approval of catch sharing plans.

DATES: Effective March 15, 2001.

FOR FURTHER INFORMATION CONTACT: Yvonne deReynier, 206–526–6140.

SUPPLEMENTARY INFORMATION: A final rule was published in the **Federal Register** on March 21, 2001 (66 FR 15801), to publish annual management measures on behalf of the International Pacific Halibut Commission and to announce approval of modifications to the Catch Sharing Plan and implementing regulations for Area 2A. The final rule contains errors and omissions, which must be corrected.

Correction

In the final rule Pacific Halibut Fisheries; Catch Sharing Plans, published in 66 FR 15801, March 21, 2001, FR Doc 01-6889, the following corrections are made:

1. On page 15802, second column, in the fifth complete paragraph, on the second and third lines, the acronym ''CRP'' is corrected to read ''CSP''.

2. On page 15810, first column, paragraph 23(4)(b)(v)(A)(*2*), the fourth sentence is correctly revised to read as follows:

''Dependent on the amount of unharvested catch available, the season reopening dates will be June 8 and/or 9, and June 15 and/or 16''.

3. On page 15810, second column, at paragraph 23(4)(b)(vi)(A)(*2*), the fourth sentence is correctly revised to read as follows:

''Dependant on the amount of unharvested catch available, the season reopening dates will be June 8 and/or 9, and June 15 and/or 16''.

Dated: April 3, 2001.

Clarence Pautzke,

Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–8658 Filed 4–6–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 660

[Docket No. 001226367-0367-01; I.D. 121500E]

Magnuson-Stevens Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Corrections

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Corrections to the 2001 specifications for the Pacific Coast groundfish fishery.

SUMMARY: This document contains corrections to the 2001 groundfish fishery specifications and management measures for the Pacific Coast groundfish fishery, which were published on January 11, 2001.

DATES: Effective April 9, 2001.

FOR FURTHER INFORMATION CONTACT: Yvonne deReynier or Becky Renko, NMFS, (206) 526-6140.

SUPPLEMENTARY INFORMATION:

Background

The 2001 fishery specifications and management measures for groundfish taken in the U.S. exclusive economic zone and state waters off the coasts of Washington, Oregon, and California, as authorized by the Pacific Coast Groundfish Fishery Management Plan, were published in the **Federal Register** on January 11, 2001 (66 FR 2338). The specifications contained a number of errors that require correction.

Corrections

In the rule FR Doc. 01-560, in the issue of Thursday, January 11, 2001 (66 FR 2338), make the following corrections:

1. On page 2362, in the second and third columns, paragraph IV.A 20(ii) is corrected to read as follows:

''(ii) The Eastern CCA is a smaller area west of San Diego and northwest of the U.S.–Mexico International Boundary that is bound by straight lines

connecting all of the following points in the order listed.

32°40′ N. lat., 118°00′ W. long.;

32°40′ N. lat., 117°50′ W. long.;

32°36′ 42″ N. lat., 117° 50′ W. long.;

32°30′ N. lat., 117° 53′ 30″ W. long.;

32°30′ N. lat., 118°00′ W. long.;

and connecting back to 32°40′ N. lat., 118°00′ W. long.''

2. On page 2369, in the second column, paragraph IV.C.(3)(b) is corrected to read as follows:

''(b) All other groundfish species taken with exempted trawl gear by vessels engaged in fishing for pink shrimp are managed under the overall 500 lb (227 kg) per day and 1,500 lb (680 kg) per trip groundfish limits. Landings of these species count toward the per day and per trip groundfish limits. Just the species-specific limits in paragraph (a) of this paragraph IV.C.(3)(b) count toward the per day and per trip groundfish limits.''

Dated: April 3, 2001.

Clarence Pautzke,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–8657 Filed 4–6–01; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 68
Monday, April 9, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 25

[Docket No. 01–06]

RIN 1557–AB95

FEDERAL RESERVE SYSTEM

12 CFR Part 208

[Regulation H; Docket No. R–1099]

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 369

RIN 3064–AC36

Prohibition Against Use of Interstate Branches Primarily for Deposit Production

AGENCIES: Office of the Comptroller of the Currency, Treasury (OCC); Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of proposed rulemaking.

SUMMARY: The OCC, the Board, and the FDIC (collectively, the ''Agencies'') propose to amend the uniform regulations implementing section 109 of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 (Interstate Act) to effectuate the amendment to section 109 contained in the Gramm-Leach-Bliley Act of 1999. Section 109 prohibits any bank from establishing or acquiring a branch or branches outside of its home State under the Interstate Act primarily for the purpose of deposit production, and provides guidelines for determining whether such bank is reasonably helping to meet the credit needs of the communities served by these branches. Section 106 of the Gramm-Leach-Bliley Act of 1999 expanded the coverage of section 109 of the Interstate Act to include any branch of a bank controlled by an out-of-State bank holding company. This proposal amends the regulatory prohibition against branches being used as deposit production offices to include any bank or branch of a bank controlled by an out-of-State bank holding company, including a bank consisting only of a main office.

DATES: Comments must be received on or before June 8, 2001.

ADDRESSES: Comments should be directed to:

OCC: Public Information Room, Office of the Comptroller of the Currency, 250 E Street, SW., Mailstop 1–5, Washington, DC 20219, Attention: Docket No. 01–06. Comments will be available for public inspection and photocopying at the same location. You can make an appointment to inspect the comments by calling (202) 874–5043. In addition, you may send comments by fax to (202) 874–4448, or by electronic mail to *regs.comments@occ.treas.gov.*

Board: Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551 or mailed electronically to *regs.comments@federalreserve.gov.* Comments should refer to docket number R–1099. Comments addressed to Ms. Johnson may also be delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, NW., Washington, DC. Comments may be inspected in room MP–500 between 9 a.m. and 5 p.m., except as provided in § 261.14 of the Board's Rules Regarding Availability of Information, 12 CFR 261.14.

FDIC: Send written comments to Robert E. Feldman, Executive Secretary, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429. Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m. FAX number: (202) 898–3838. Comments may be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, NW., Washington, DC, between 9 a.m. and 4:30 p.m. on business days. Comments may be submitted to the FDIC electronically over the Internet at *www.fdic.gov.* Further information concerning this option may be found at ''FDIC's New Electronic Public Comment Site.'' Comments also may be submitted electronically to *comments@fdic.gov.* We may post comments at the FDIC's web site.

FOR FURTHER INFORMATION CONTACT:

OCC: Karen Tucker, National Bank Examiner, Community and Consumer Policy (202) 874–4428; Kathryn Ray, Senior Attorney, Community and Consumer Law Division (202) 874–5750; Patrick T. Tierney, Attorney, Legislative and Regulatory Activities Division (202) 874–5090; or with respect to foreign banks, Maureen Cooney, Senior Attorney, Legislative and Regulatory Activities Division (202) 874–5090.

Board: Michael J. O'Rourke, Counsel, Legal Division (202) 452–3288; Shawn McNulty, Assistant Director, Division of Consumer and Community Affairs (202) 452–3946; or with respect to foreign banks, Sandra L. Richardson, Assistant General Counsel, Legal Division (202) 452–6406.

FDIC: Louise Kotoshirodo Kramer, Review Examiner, Division of Compliance and Consumer Affairs, (202) 942–3599; or Marc J. Goldstrom, Counsel, Regulations and Legislation Section (202) 898–8807.

SUPPLEMENTARY INFORMATION: The contents of this preamble are listed in the following outline:

I. Background

The Interstate Act [1] provides expanded authority for a domestic or foreign bank to establish or acquire a branch in a State other than the bank's home State. Section 109 of the Interstate Act requires the Agencies to prescribe uniform rules that prohibit the use of the Act's interstate branching authority primarily for the purpose of deposit production.[2] Congress enacted section 109 to ensure that the new interstate branching authority provided by the Interstate Act would not result in the taking of deposits from a community without banks reasonably helping to meet the credit needs of that community. *See* H.R. Conf. Rep. No. 103–651, at 62 (1994).

As required by section 109, the agencies issued a joint final rule implementing section 109. 62 FR 47728 (September 10, 1997). This rule provides that, beginning no earlier than one year after a bank establishes or acquires a covered interstate branch, the appropriate agency will determine whether the bank satisfies a loan-to-deposit ratio screen that has been established by section 109.

The loan-to-deposit ratio screen compares a bank's loan-to-deposit ratio within the State where the bank's covered interstate branches are located (statewide loan-to-deposit ratio) with the loan-to-deposit ratio of all banks chartered or headquartered in that State (host State loan-to-deposit ratio).[3] If the bank's statewide loan-to-deposit ratio is at least 50 percent of the host State loan-to-deposit ratio, no further analysis is required. If, however, the appropriate agency determines that the bank's statewide loan-to-deposit ratio is less than 50 percent of the host State loan-to-deposit ratio, then the agency must perform a credit needs determination. A credit needs determination would also be performed if the appropriate agency determines that reasonably available data does not exist that permits the agency to determine the bank's statewide loan-to-deposit ratio. Under the credit needs determination, the appropriate agency reviews the activities of the bank, such as its lending activity and its performance under the Community Reinvestment Act (CRA), and determines whether the bank is reasonably helping to meet the credit needs of the communities served by the bank in the host State.

A bank that fails the loan-to-deposit ratio screen and that receives a determination that it is not reasonably helping to meet the credit needs of the communities served by the bank's interstate branches could be subject to sanctions under section 109.

Section 106 of the Gramm-Leach-Bliley Act of 1999 (GLBA), Pub. L. 106–102, 113 Stat. 1338 (November 12, 1999), amends section 109 by changing the definition of an interstate branch to include any branch of a bank controlled by an out-of-State bank holding company (as defined in section 2(o)(7) of the Bank Holding Company Act of 1956 (BHC Act)). Any branch of a bank controlled by an out-of-State bank holding company is an ''interstate branch'' for purposes of section 109. The agencies are proposing to conform their uniform regulations made to this amendment by the GLBA.

II. Overview of the Proposed Rule

As discussed in the Background section, section 109 prohibits the use of the interstate banking and branching authority granted by the Interstate Act to engage in interstate branching primarily for the purpose of deposit production. Prior to the GLBA, this prohibition applied to any bank that established or acquired, directly or indirectly, a branch under the authority of the Interstate Act or amendments to any other provision of law made by the Interstate Act. In accordance with the amendments to section 109 adopted by the GLBA, the proposed rule broadens this prohibition to apply not only to branches established pursuant to the Interstate Act, but also to any bank or branch of a bank controlled by an out-of-State bank holding company. Thus, the definition of the term ''covered interstate branch'' would be revised to include any bank or branch of a bank controlled by an out-of-State bank holding company. We further propose to make conforming changes to our regulations [4] to revise the definition of ''host state'' and to clarify that the loan-to-deposit ratio screen will be applied to a bank, or branch of a bank, controlled by an out-of-State bank holding company in the same manner as the screen is applied to a covered interstate branch under the current rule.

A. Bank Locations Subject to Section 109 as Amended

Prior to the GLBA, section 109's deposit production office prohibition applied only to an interstate branch in a host State that is acquired or established by an *out-of-State bank* pursuant to the Interstate Act or any amendment made by the Interstate Act. As amended, it now also applies to any branch of a bank controlled by an *out-of-State bank holding company.* The legislative history of this amendment indicates that Congress intended that this amendment would expand the scope of section 109 to cover *any* bank or branch of a bank controlled by an out-of-State bank holding company, as discussed below.

1. Coverage of Banks' Main Offices

Coverage under the proposed rule extends to banks controlled by out-of-State bank holding companies, including banks consisting only of a main office. The amendment to section 109 includes banks consisting of only a main office because the purpose of the legislation is to prevent out-of-State bank holding companies from taking deposits out of a community without helping to meet the credit needs of that community. *See* 145 Cong. Rec. H11529 (daily ed. Nov. 4, 1999); 145 Cong. Rec. H5217 (daily ed. July 1, 1999); 144 Cong. Rec. H3133 (daily ed. May 13, 1998). The purpose of the legislation would be negated if banks consisting only of a main office were excluded. For example, out-of-State bank holding companies could take deposits from a host State simply by establishing separately chartered, single-office banks in a host State. Therefore, we have proposed that banks consisting only of a main office and controlled by an out-of-State bank holding company be subject to the joint rule.

2. Coverage of Interstate and Intrastate Branches

The amendment to section 109 expands the scope of the rule to include *all* branches of a bank that is controlled by an out-of-State bank holding company. Indeed, Congress intended to apply the section 109 rule to ''*all* branches of a bank owned by an out-of-State holding company,'' not just to previously exempt branches owned by such banks. *See* H.R. Rep. No. 106–74, pt. 1 at 128 (1999) (emphasis added). Thus, the proposed rule applies to all branches of a bank when the bank and its controlling bank holding company have different home states.

B. Multi-Tier Bank Holding Companies

Section 106 of the GLBA expands the definition of interstate branch to any branch of a bank controlled by an out-of-State bank holding company incorporating by reference the BHC Act definition of an ''out-of-State bank

[1] Pub. L. 103–328, 108 Stat. 2338.

[2] 12 U.S.C. 1835a.

[3] Host State loan-to-deposit ratios, based on reasonably available data, are jointly published by the agencies every year.

[4] See 12 CFR 25.62(e) and 25.63(a) (OCC); 12 CFR 208.7(b)(4) and 208.7(c)(1) (Federal Reserve); 12 CFR 369.2(d) and 369.3(a)(FDIC).

holding company.'' 12 U.S.C. 1841(o)(7). We will use the BHC Act definition of control to determine the controlling bank holding company. This is the top tier bank holding company in a multi-tier bank holding company structure.

C. Definition of ''Home State'' for a Bank Holding Company

The BHC Act defines ''home State'' with respect to a bank holding company as the State where total deposits of all banking subsidiaries are the greatest as of the later of July 1, 1966 or the date on which a company becomes a bank holding company. 12 U.S.C. 1841(o)(4). To determine the home State of a bank holding company, the agencies will determine, from sources available at the agencies, the State where the total deposits of all the banking subsidiaries were the greatest as of the later of July 1, 1966 or the date the bank holding company was formed. We recognize that, in certain cases, the State where the total deposits of all of a bank holding company's subsidiary banks were greatest on July 1, 1966 or at the date of formation of the bank holding company may not be the same State as where the bank holding company subsidiary banks hold the greatest amount of deposits now or at a future date. However, the amendment to section 109 made by the GLBA adopts the BHC Act definition of ''out-of-State bank holding company,'' and the BHC Act definition of ''home State'' is incorporated into that definition.

D. Foreign Banks and Branches

Section 106 of the GLBA also necessitates an amendment to the definition of ''home state'' for foreign banks with banking operations in the United States. Under U.S. banking law and regulation, foreign banks may be treated as banking institutions, bank holding companies, or both, depending on the nature of their operations in the United States. For purposes of determining whether a U.S. branch of a foreign bank is a covered interstate branch, a foreign bank's home state is determined under section 5 of the International Banking Act of 1978 (12 U.S.C. 3103) and section 211.22 of the Federal Reserve's Regulation K (12 CFR 211.22). For purposes of determining whether a branch of a U.S. bank controlled by a foreign bank is a covered interstate branch, a foreign bank's home state is determined in accordance with 12 U.S.C. 1841(o)(4) as discussed above in section II C. of this preamble regarding U.S. bank holding companies. A foreign bank may have different home states with respect to direct offices and subsidiary banks.

E. Impact of the Rule

The proposed rule is unlikely to have any impact on the vast majority of banks. Consistent with section 109 when it was first enacted, the proposed rule does not impose any new record keeping requirements on affected institutions. We use existing data to determine the loan-to-deposit ratio screen.

Moreover, there is no additional burden imposed as a result of the credit needs determination. In order to make that determination, the appropriate agency will review the activities of the bank, such as its lending activity and its performance under the CRA,[5] and evaluate whether the bank is reasonably helping to meet the credit needs of the communities served by the bank in the host State.

The only circumstance in which the proposed rule would impose a burden on banks is if the bank fails both the loan-to-deposit ratio screen and the credit needs determination. Accordingly, while the statutory amendment and this proposed rule extend the scope of the DPO rule, this extended scope is unlikely to affect most institutions.

F. Request for Comment

We invite public comment on all aspects of the proposed rule. In particular, we request comment on the coverage of main offices and interstate and intrastate branches, the treatment of multi-tier bank holding companies, the definition of ''home state'' for an out-of-state bank holding company, and the treatment of foreign banks and branches. Each of these issues is discussed elsewhere in this preamble, and we invite comment on the views expressed therein.

The Agencies also seek comments on the impact of this proposal on community banks. Community banks operate with more limited resources than larger institutions and may present a different risk profile. We believe that this rule will not have a significant impact on community banks. Nevertheless we specifically request comment on the impact of the proposal on community banks' current resources and available personnel with the requisite expertise, and whether the goals of the proposed regulation could be achieved, for community banks, through an alternative approach.

G. Plain Language

Section 722 of the GLBA (12 U.S.C. 4809) requires each federal banking agency to use plain language in all proposed and final rules published after January 1, 2000. To this end, we invite your comments on how to make the changes proposed by this rulemaking easier to understand.

III. FDIC's Electronic Public Comment Site

The FDIC has included a page on its web site to facilitate the submission of electronic comments in response to this general solicitation (the EPC site). The EPC site provides an alternative to the written letter and may be a more convenient way for you to submit your comments. Commenting through the EPC site helps the FDIC more accurately and efficiently analyze comments submitted electronically. If you submit your comments through the EPC site your comments will receive the same consideration that they would receive if submitted in hard copy to the FDIC's street address. Information provided through the EPC site will be used by the FDIC only to assist in its analysis of the proposed regulation. The FDIC will not use an individual's name or any other personal identifier of an individual to retrieve records or information submitted through the EPC site. Like comments submitted in hard copy to the FDIC's street address, EPC site comments will be made available in their entirety (including the commenter's name and address if the commenter chooses to provide them) for public inspection.

The EPC site will be available on the FDIC's home page at *http://www.fdic.gov.* You will be able to provide comments directly on any of the sections of the proposed regulation. You will also be able to view the regulation and Supplementary Information sections that relate to your comments

[5] Some entities that could be subject to section 109, including certain special purpose banks and uninsured branches of foreign banks, are not evaluated for CRA performance by the Agencies. For such entities, we will continue to use the CRA regulations as guidelines in making a credit needs determination. The CRA regulations provide only guidance to assess whether activities identified by these institutions help to meet the community's credit needs, and do not obligate the institutions to have a record of performance under the CRA or require that the institutions pass any performance tests in the CRA regulations. We also will continue to give substantial weight to the factor relating to specialized activities in making a credit needs determination for institutions not evaluated under the CRA. For example, most branches of foreign banks derive substantially all their deposits from wholesale deposit markets, which are generally national or international in scope. This approach is consistent with section 109's overall purpose of preventing banks from using the Interstate Act to establish branches primarily to gather deposits in their host state without reasonably helping to meet the credit needs of the communities served by the bank in the host state. See Prohibition Against use of Interstate Branches Primarily for Deposit Production, 62 FR 47728, 47732–33 (September 10, 1997) (codified at 12 CFR parts 25, 208, 211, 369).

directly on the site. The FDIC encourages you to provide written comments in the spaces provided. Written comments enable the FDIC to thoughtfully consider possible changes to the proposed regulation.

The FDIC is also interested in your feedback on the EPC site. We have provided a space for you to comment on the site itself. Answers to this question will help the FDIC evaluate the EPC site for use in future rulemaking.

At the conclusion of the EPC site, you will have an opportunity to provide us with your name, indicate whether you are an individual, bank, trade association, or government agency, and provide the name of the organization you represent, if applicable. Whether you choose to respond to these questions is entirely up to you. Any responses received may help the FDIC to better understand the public comments it receives.

IV. Regulatory Analysis

A. Paperwork Reduction Act

The agencies have determined that this proposal does not involve a collection of information pursuant to the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

B. Regulatory Flexibility Act

OCC: Pursuant to section 605(b) of the Regulatory Flexibility Act, the OCC certifies that this proposal will not have a significant economic impact on a substantial number of small entities. Section 109 requires that the agencies use only available information to conduct their analyses. Consistent with this requirement, this proposal does not impose any additional paperwork or regulatory reporting requirements.

Board: Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Board certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. Review for compliance with section 109 is conducted at the same time that the Community Reinvestment Act review is performed. Consistent with the requirement that the agencies use only available information to conduct a section 109 review, the proposed rule does not impose any additional regulatory burden on banks beyond what is required by statute. The burden to conduct the review and use only available data is on the banking regulatory agencies. Thus, the proposed rule will not have a significant economic impact on a substantial number of small entities.

FDIC: Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the FDIC certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. The rule would extend coverage of section 109 to some additional institutions, including small entities. However, based on previous examination experience, we estimate that one or fewer institutions per year will experience any cost in connection with complying with the rule. Thus, the proposed rule will not have a significant economic impact on a substantial number of small entities.

C. OCC Executive Order 12866 Determination

The OCC has determined that its portion of the proposed rulemaking is not a significant regulatory action under Executive Order 12866.

D. OCC Unfunded Mandates Reform Act of 1995 Determination

Section 202 of the Unfunded Mandates Reform Act of 1995, Pub. L. 104–4 (Unfunded Mandates Act) requires that an agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. The OCC has determined that this final rule will not result in expenditures by State, local, and tribal governments, or by the private sector, of $100 million or more. Accordingly, the OCC has not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

E. The Treasury and General Government Appropriations Act, 1999—Assessment of Impact of Federal Regulation on Families

The FDIC has determined that this proposed rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Pub. L. 105–277, 112 Stat. 2681.

List of Subjects

12 CFR Part 25

Community development, Credit, Investments, National banks, Reporting and recordkeeping requirements.

12 CFR Part 208

Accounting, Agriculture, Banks, banking, Confidential business information, Crime, Currency, Federal Reserve System, Mortgages, Reporting and recordkeeping requirements, Securities.

12 CFR Part 369

Banks, banking, Community development.

Department of the Treasury

Office of the Comptroller of the Currency

12 CFR Chapter I

Authority and Issuance

For the reasons set forth in the joint preamble, the Office of the Comptroller of the Currency proposes to amend part 25 of chapter I of title 12 of the Code of Federal Regulations as follows:

PART 25—COMMUNITY REINVESTMENT ACT AND INTERSTATE DEPOSIT PRODUCTION REGULATIONS

1. The authority citation for part 25 continues to read as follows:

Authority: 12 U.S.C. 21, 22, 26, 27, 30, 36, 93a, 161, 215, 215a, 481, 1814, 1816, 1828(c), 1835a, 2901 through 2907, and 3101 through 3111.

2. Amend § 25.62 by:

A. Revising paragraphs (b), (d) and (e);

B. Redesignating paragraphs (g) and (h) as paragraphs (h) and (i) respectively; and

C. Adding a new paragraph (g) to read as follows:

§ 25.62 Definitions.

* * * * *

(b) *Covered interstate branch* means:

(1) Any branch of a national bank, and any Federal branch of a foreign bank, that:

(i) Is established or acquired outside the bank's home state pursuant to the interstate branching authority granted by the Interstate Act or by any amendment made by the Interstate Act to any other provision of law; or

(ii) Could not have been established or acquired outside of the bank's home state but for the establishment or acquisition of a branch described in paragraph (b)(1)(i) of this section; or

(2) Any bank or branch of a bank controlled by an out-of-state bank holding company.

* * * * *

(d) *Home state* means:

(1) With respect to a state bank, the state that chartered the bank,

(2) With respect to a national bank, the state in which the main office of the bank is located;

(3) With respect to a bank holding company, the state in which the total

deposits of all banking subsidiaries of such company are the largest on the later of:

(i) July 1, 1966; or

(ii) The date on which the company becomes a bank holding company under the Bank Holding Company Act;

(4) With respect to a foreign bank:

(i) For purposes of determining whether a U.S. branch of a foreign bank is a covered interstate branch, the home state of the foreign bank as determined in accordance with 12 U.S.C. 3103(c) and 12 CFR 211.22; and

(ii) For purposes of determining whether a branch of a U.S. bank controlled by a foreign bank is a covered interstate branch, the state in which the total deposits of all banking subsidiaries of such foreign bank are the largest on the later of:

(A) July 1, 1966; or

(B) The date on which the foreign bank becomes a bank holding company under the Bank Holding Company Act.

(e) *Host state* means a state in which a covered interstate branch is established or acquired.

* * * * *

(g) *Out-of-state bank holding company* means, with respect to any state, a bank holding company whose home state is another state.

* * * * *

3. In § 25.63, paragraph (a) is revised to read as follows:

§ 25.63 Loan-to-deposit ratio screen

(a) *Application of screen.* Beginning no earlier than one year after a covered interstate branch is acquired or established, the OCC will consider whether the bank's statewide loan-to-deposit ratio is less than 50 percent of the relevant host State loan-to-deposit ratio.

* * * * *

Dated: March 29, 2001.

John D. Hawke, Jr.,

Comptroller of the Currency.

Federal Reserve System

12 CFR Chapter II

Authority and Issuance

For the reasons set forth in the joint preamble, the Board of Governors of the Federal Reserve System proposes to amend part 208 of chapter II of title 12 of the Code of Federal Regulations as follows:

PART 208—MEMBERSHIP OF STATE BANKING INSITUTIONS IN THE FEDERAL RESERVE SYSTEM (REGULATION H)

1. The authority citation for part 208 continues to read as follows:

Authority: 12 U.S.C. 24, 36, 92a, 93a, 248(a), 248(c), 321–338a, 371d, 461, 481–486, 601, 611, 1814, 1816, 1818, 1820(d)(9), 1823(j), 1828(o), 1831, 1831o, 1831p–1, 1831r–1, 1831w, 1835a, 1882, 2901–2907, 3105, 3310, 3331–3351, and 3906–3909; 15 U.S.C. 78b, 781(b), 781(g), 781(i), 78o–4(c)(5), 78q, 78q–1, and 78w; 31 U.S.C. 5318, 42 U.S.C. 4012a, 4104a, 4104b, 4106 and 4128.

2. In § 208.7, redesignate existing paragraphs (b)(6) and (b)(7) as (b)(7) and (b)(8), respectively, revise paragraphs (b)(2), (b)(3), (b)(4) and (c)(1), and add new paragraph (b)(6) to read as follows:

§ 208.7 Prohibition against use of interstate branches primarily for deposit production.

* * * * *

(b) * * *

(2) *Covered interstate branch* means:

(i) Any branch of a state member bank, and any uninsured branch of a foreign bank licensed by a state, that:

(A) Is established or acquired outside the bank's home state pursuant to the interstate branching authority granted by the Interstate Act or by any amendment made by the Interstate Act to any other provision of law; or

(B) Could not have been established or acquired outside of the bank's home state but for the establishment or acquisition of a branch described in paragraph (b)(2)(i) of this section; or

(ii) Any bank or branch of a bank controlled by an out-of-state bank holding company.

(3) *Home state* means:

(i) With respect to a state bank, the state that chartered the bank;

(ii) With respect to a national bank, the state in which the main office of the bank is located;

(iii) With respect to a bank holding company, the state in which the total deposits of all banking subsidiaries of such company are the largest on the later of:

(A) July 1, 1966; or

(B) The date on which the company becomes a bank holding company under the Bank Holding Company Act.

(iv) With respect to a foreign bank:

(A) For purposes of determining whether a U.S. branch of a foreign bank is a covered interstate branch, the home state of the foreign bank as determined in accordance with 12 U.S.C. 3103(c) and 12 CFR 211.22; and

(B) For purposes of determining whether a branch of a U.S. bank controlled by a foreign bank is a covered interstate branch, the state in which the total deposits of all banking subsidiaries of such foreign bank are the largest on the later of:

(*1*) July 1, 1966; or

(*2*) The date on which the foreign bank becomes a bank holding company under the Bank Holding Company Act.

(4) *Host state* means a state in which a covered interstate branch is established or acquired.

* * * * *

(6) *Out-of-state bank holding company* means, with respect to any state, a bank holding company whose home state is another state.

* * * * *

(c)(1) *Application of screen.* Beginning no earlier than one year after a covered interstate branch is acquired or established, the Board will consider whether the bank's statewide loan-to-deposit ratio is less than 50 percent of the relevant host state loan-to-deposit ratio.

* * * * *

By order of the Board of Governors of the Federal Reserve System, March 30, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

Federal Deposit Insurance Corporation

12 CFR Chapter III

Authority and Issuance

For the reasons set forth in the joint preamble, the Board of Directors of the Federal Deposit Insurance Corporation proposes to amend part 369 of chapter III of title 12 of the Code of Federal Regulations to read as follows:

PART 369—PROHIBITION AGAINST USE OF INTERSTATE BRANCHES PRIMARILY FOR DEPOSIT PRODUCTION

1. The authority citation for part 369 continues to read as follows:

Authority: 12 U.S.C. 1819 (Tenth) and 1835a.

2. In § 369.2, redesignate paragraphs (f) and (g) as (g) and (h), respectively; revise paragraphs (b), (c) and (d); and add new paragraph (f) to read as follows.

§ 369.2 Definitions.

* * * * *

(b) *Covered interstate branch* means:

(1) Any branch of a state nonmember bank, and any insured branch of a foreign bank licensed by a state, that:

(i) Is established or acquired outside the bank's home state pursuant to the interstate branching authority granted by the Interstate Act or by any amendment made by the Interstate Act to any other provision of law; or

(ii) Could not have been established or acquired outside of the bank's home state but for the establishment or acquisition of a branch described in paragraph (b)(1)(i) of this section; or

(2) Any bank or branch of a bank controlled by an out-of state bank holding company.

(c) *Home state* means:

(1) With respect to a state bank, the state that chartered the bank,

(2) With respect to a national bank, the state in which the main office of the bank is located;

(3) With respect to a bank holding company, the state in which the total deposits of all banking subsidiaries of such company are the largest on the later of:

(i) July 1, 1966; or

(ii) The date on which the company becomes a bank holding company under the Bank Holding Company Act;

(4) With respect to a foreign bank:

(i) For purposes of determining whether a U.S. branch of a foreign bank is a covered interstate branch, the home State of the foreign bank as determined in accordance with 12 U.S.C. 3103(c) and 12 CFR 211.22; and

(ii) For purposes of determining whether a branch of a U.S. bank controlled by a foreign bank is a covered interstate branch, the State in which the total deposits of all banking subsidiaries of such foreign bank are the largest on the later of:

(A) July 1, 1966; or

(B) The date on which the foreign bank becomes a bank holding company under the Bank Holding Company Act.

(d) *Host state* means a state in which a covered interstate branch is established or acquired.

* * * * *

(f) *Out-of-State bank holding company* means, with respect to any state, a bank holding company whose home state is another state.

* * * * *

3. In § 369.3, revise paragraph (a) to read as follows:

§ 369.3 Loan-to-deposit ratio screen.

(a) *Application of screen.* Beginning no earlier than one year after a covered interstate branch is acquired or established, the FDIC will consider whether the bank's statewide loan-to-deposit ratio is less than 50 percent of the relevant host State loan-to-deposit ratio.

* * * * *

By order of the Board of Directors.

Dated at Washington, D.C., this 26th day of March, 2001.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 01–8642 Filed 4–6–01; 8:45 am]

BILLING CODE 4810–33–P; 6210–01–P; 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–SW–12–AD]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model AS350B, B1, B2, B3, BA, C, D, D1, and AS355E, F, F1, F2, and N Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes superseding an existing airworthiness directive (AD) for Eurocopter France Model AS350B, B1, B2, BA, C, D, D1, and AS355E, F, F1, F2, and N helicopters. That AD currently requires measuring the tail rotor pitch control rod (control rod) outboard spherical bearing (bearing) for radial and axial play and replacing the control rod with an airworthy control rod if the play exceeds 0.008-inch. This action would retain those requirements but would add the Eurocopter France Model AS350B3 helicopter and an additional control rod to the applicability. This action would also add a daily inspection of the control rod and an axial play limit of 0.016-inch and would revise the AD compliance interval from 50 hours time-in-service (TIS) to 30 hours TIS. This proposal is prompted by two comments received on AD 98–24–35 and the determination that the AD inspection interval should coincide with the normal maintenance interval and the AD should apply to the Eurocopter France Model AS350B3 helicopter. The actions specified by the proposed AD are intended to prevent separation of the bearing ball from its outer race, rubbing of the body of the control rod against the tail rotor blade pitch horn clevis, failure of the control rod, and loss of control of the helicopter.

DATES: Comments must be received on or before June 8, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000–SW–12–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. You may also email comments to the Rules Docket at 9-asw-adcomments@faa.gov.

FOR FURTHER INFORMATION CONTACT: Uday Garadi, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5123, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this document may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this proposal must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2000–SW–12–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000–SW–12–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

On November 19, 1998, the FAA issued AD 98–24–35, Amendment 39–10921 (63 FR 66418, December 2, 1998), to require measuring the control rod bearing radial and axial play within 50 hours TIS and thereafter at intervals not to exceed 50 hours TIS. That action was prompted by an accident and an incident involving Eurocopter France Model AS350B2 helicopters offshore over the Gulf of Mexico. There were two other unconfirmed incidents cited by the National Transportation Safety Board (based on manufacturer's reports) involving the same control rod, part

number (P/N) 350A33–2145–01. The requirements of that AD are intended to prevent separation of the bearing ball from its outer race, rubbing of the body of the control rod against the tail rotor blade pitch horn clevis, failure of the control rod, and loss of control of the helicopter.

Since the issuance of that AD, Eurocopter France has issued Service Letter No. 1367–64–98, dated January 12, 1999. The service letter provides operators with a more accurate way to determine the looseness of the bearing by adding an axial play limit of 0.016 inch and a daily inspection. Also, the FAA received comments to AD 98–24–35 from two commenters, the manufacturer and an operator. The commenters state that a larger axial play limit and a 30-hour visual check would provide a satisfactory degree of safety for this control rod and an adequate inspection interval. The FAA agrees, and this action would add a daily inspection of the control rod and an axial play limit of 0.016-inch and would revise the AD compliance interval from 50 hours TIS to 30 hours TIS.

Since an unsafe condition has been identified that is likely to exist or develop on other helicopters of these same type designs, the proposed AD would supersede AD 98–24–35 to retain the same requirements and would add the following requirements:

- Add the Eurocopter France Model AS350B3 helicopter to the applicability.
- Add control rod, P/N 350A33–3145–00, to the applicability.
- Revise the AD inspection interval so that it does not exceed 30 hours TIS to coincide with the normal maintenance interval.
- Establish a daily inspection of the tail rotor pitch control rod bearing for axial play.
- Establish an axial play limit of 0.016-inch.

The FAA estimates that 610 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per helicopter to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $1,224 for two control rods per helicopter. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $783,240.

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–10921 (63 FR 66418, December 2, 1998), and by adding a new airworthiness directive (AD), to read as follows:

Eurocopter France: Docket No. 2000–SW–12–AD. Supersedes AD 98–24–35 Amendment 39–10921, Docket No. 98–SW–41–AD.

Applicability: Eurocopter France Model AS350B, B1, B2, B3, BA, C, D, D1, and AS355E, F, F1, F2, and N helicopters, with tail rotor pitch control rod (control rod), part number (P/N) 350A33–2145–01 or P/N 350A33–3145–00, installed, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. This request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent separation of the outboard spherical bearing (bearing) ball from its outer race, rubbing of the body of the control rod against the tail rotor blade pitch horn clevis, failure of the control rod, and loss of control of the helicopter, accomplish the following:

(a) Before the first flight of each day, configure the helicopter by ensuring the tail rotor pedals are in neutral position. If the helicopter is fitted with a tail rotor load compensator, discharge the accumulator as described in the flight manual. Inspect the bearing for play (Figure 1) on the helicopter, by observation and feel, by slightly moving the tail rotor blade in the flapping axis while monitoring the bearing for movement.

(1) If the Teflon cloth is found to be coming out of its normal position within the bearing, totally or partially, replace the control rod with an airworthy control rod before further flight.

BILLING CODE 4910–13–U

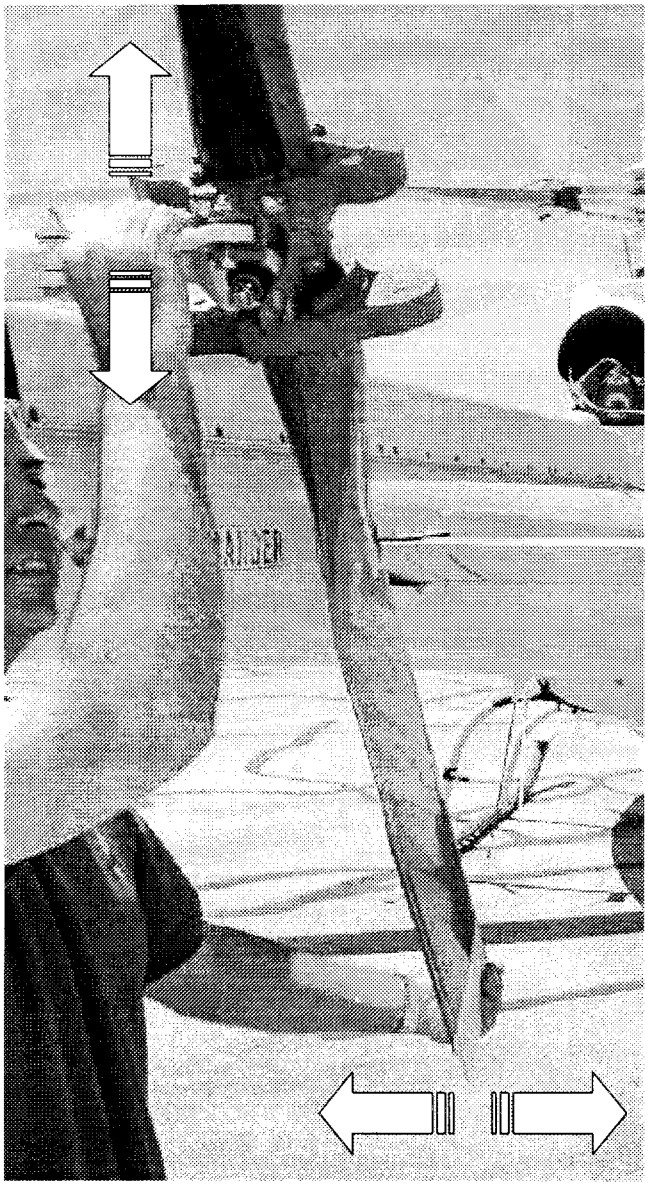


Figure 1: Manual Inspection for play of the Tail Rotor Pitch Control Rod

(2) If play is detected, measure the bearing wear using a dial indicator as shown in Figure 2. Perform the following steps (Figure 2) unless they were accomplished within the last 30 hours TIS.

(i) Remove the control rod.

(ii) Install a bolt, washers, and a nut to secure the bearing.

(iii) Mount the bearing in a vise as shown in Figure 2.

(iv) Using a dial indicator, take two radial measurements in the areas shown by the two arrows.

(v) Take axial measurements in the area shown by an arrow.

(vi) Record the hours of operation on each control rod.

(vii) If the radial play exceeds 0.008 inch or axial play exceeds 0.016 inch, replace the control rod with an airworthy control rod before further flight.

(3) If the radial and axial play are within limits, reinstall the control rod.

(4) At intervals not to exceed 30 hours TIS, remove the control rod and measure the bearing wear with a dial indicator (Figure 2) using steps (a)(2)(i) through (a)(2)(vii).

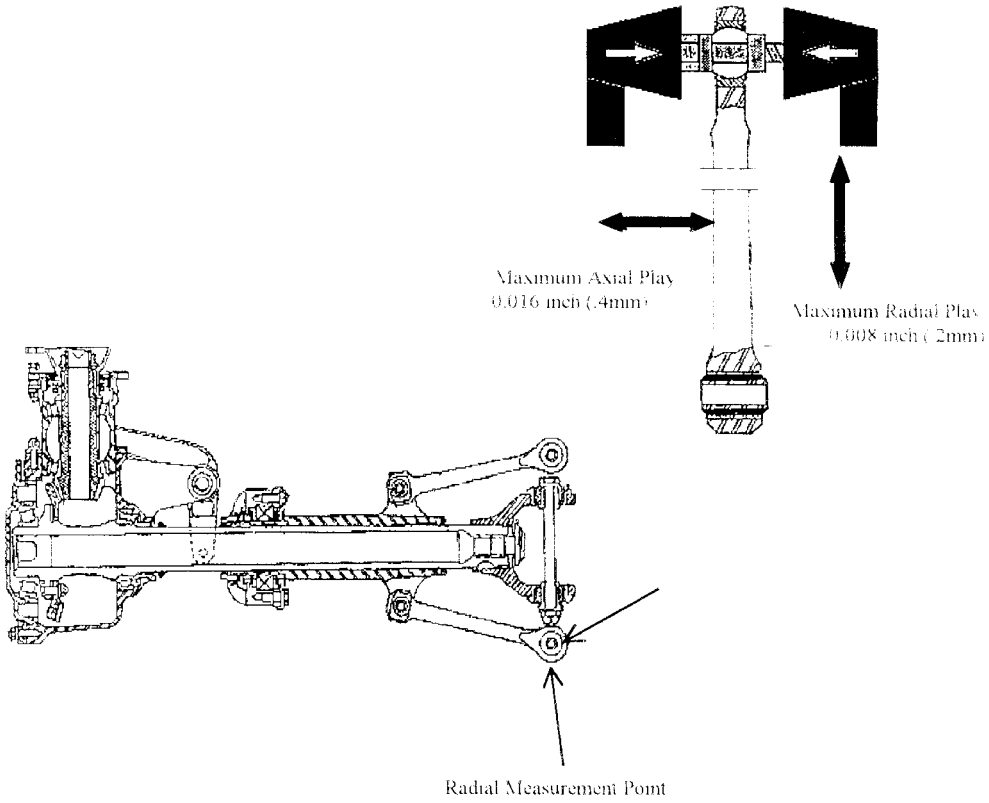


Figure 2. Play Measurement on Tail Rotor Pitch Control Rod

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Regulations Group, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Regulations Group.

(c) Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished.

Issued in Fort Worth, Texas, on April 2, 2001.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–8620 Filed 4–6–01; 8:45 am]

BILLING CODE 4910–13–C

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 110, 117, 165

[CGD09–01–004]

RIN 2115–AA97

Sail Detroit and Tall Ship Celebration, 2001, Detroit and Saginaw Rivers, MI

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish temporary safety zones and anchorage areas during the Sail Detroit tall ship visit and harbor celebration in the Detroit River, Detroit, Michigan, to be held July 18–24, 2001. The Coast Guard also proposes to establish temporary safety zones and drawbridge operating regulations during the Tall Ship Celebration: 2001 to be held July 26–30, 2001 in the Saginaw River, Bay City, Michigan. These regulations are necessary to promote the safe navigation of vessels and the safety of life and property during the periods of heavy vessel traffic expected during these events.

DATES: Comments and related material must reach the Coast Guard on or before June 8, 2001.

ADDRESSES: You may mail or hand-deliver comments and related material to: Commanding Officer, U.S. Coast Guard Marine Safety Office Detroit, 110 Mt. Elliott Ave., Detroit, MI 48207–4380. Marine Safety Office Detroit maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection and copying at Coast Guard Marine Safety Office Detroit between the hours of 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Dennis O'Mara, Marine Safety Office Detroit at (313) 568–9580.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting comments and related material. Each person submitting comments should include their name and address, identify the docket number for this rulemaking, [CGD09–01–004], indicate the specific section of this document to which each comment applies, and give the reason for each comment. Comments and attachments should be submitted on 8½″ x 11″ unbound paper in a format suitable for copying. Persons requesting acknowledgement of receipt of comments should include a stamped, self-addressed postcard or envelope. All comments and material received during the comment period will be considered by the Coast Guard and may change this proposal.

Public Hearing

The Coast Guard does not plan to hold a public hearing. Persons may request a meeting by writing to Commander, Ninth Coast Guard District (m), via Marine Safety Office Detroit, at the address listed under **ADDRESSES**. The request should include reasons why a public hearing would be beneficial. If the Coast Guard determines that oral presentations will aid in this rulemaking, it will hold a public hearing at a time and place to be announced by a later notice in the **Federal Register**.

Background and Purpose

The proposed temporary regulations are for the Sail Detroit tall ship visit and harbor celebration and Tall Ship Celebration: 2001 to be held in the Detroit and Saginaw Rivers, respectively.

The Sail Detroit tall ship visit is scheduled to be part of Detroit 300, the celebration to honor the 300th birthday of Detroit's founding. It is a shared international event between the sister cities of Detroit, MI and Windsor, ONT. Temporary safety zones will be established along both waterfront areas where tall ships will moor. Sail Detroit will be highlighted by a 5-mile historic vessel parade (approximately 50 vessels, including 20 or more tall ships), waterside events, in-port tours, waterside moored vessel viewing, and a re-enactment of Cadillac's landing in Detroit. The parade of historic ships will take place in the Detroit River on Sunday, July 22, 2001 between the Ojibway Anchorage and Belle Isle. The re-enactment of Antoine de la Mothe Cadillac's 1701 landing in Detroit will take place on Tuesday, July 24, 2001, between Belle Isle and Hart Plaza. The Coast Guard will establish temporary safety zones to ensure the safety of both events.

Tall Ship Celebration: 2001 is a community-wide maritime festival in Bay City, MI, featuring a 6-mile ship parade, fireworks, in-port tours and waterside moored vessel viewing between July 26 and July 30, 2001. A parade of ships begins the Bay City celebration on Thursday, July 26, forming in Saginaw Bay and traversing the Saginaw River to the Veterans Memorial Bridge.

Vessels in Bay City will moor at docks along Veterans Memorial Park and Wenonah Park near the Veterans Memorial Bridge. There will be a temporary moving safety zone around the parade vessels during the parade to ensure the safety of passengers, crew and visitors. Temporary drawbridge operating regulations will be in effect during the parade to ensure an open route across the Saginaw River for emergency vehicles. A second temporary safety zone between the Liberty Street Bridge and the Veterans Memorial Bridge will be established where the sail vessels are moored. Fireworks are scheduled to take place in Veterans Park on Saturday, July 28, 2001 at 10 p.m. The existing temporary safety zone in place for the moored vessels will be sufficient to protect waterside viewers during the event.

These temporary regulations are prompted by the high degree of control necessary to ensure the safety of participating and spectator vessels for the events occurring in the Detroit River, Saginaw Bay, and the Saginaw River during this time. These proposed regulations create vessel movement controls, temporary anchorage regulations, temporary drawbridge operating regulations, and safety zones that will be in effect at specified marine locations during specified times. The temporary regulations are specifically designed to minimize adverse impacts on commercial users of the affected waterways.

Vessel congestion due to the large number of participating and spectator vessels poses a significant threat to the safety of life. This proposed rulemaking is necessary to ensure the safety of life on the navigable waters of the United States.

Discussion of Proposed Rule

The events and regulations planned for the Detroit River for the period July, 18–24, 2001 are as follows:

(1) *Safety Zone, Arrival and Mooring of Tall Ships, July 18–22, 2001.* Tall ships are expected to begin arriving in Detroit and Windsor as early as Wednesday, July 18, 2001. They will arrive individually, on no established schedule, and will moor at Hart Plaza and the River Promenade in Detroit and at Dieppe Park in Windsor, Ontario, Canada. At 12 noon on Wednesday, July 18, 2001, the U.S. Coast Guard will establish a temporary 100-yard safety zone in the Detroit River from Hart Plaza to the Joe Louis Arena. The safety zone will enclose the area bounded by a line drawn from point 42°19′36.5″ N, 083°02′31″ W on the U.S. shoreline at the easternmost tip of Hart Plaza, extending southward 100 yards into the Detroit River to point 42°19′34″ N, 083°01′31″ W, then westward parallel to the U.S. shoreline to point 42°19′24″ N, 083°03′05″ W, then northward to the U.S. shoreline at the westernmost tip of the Riverfront Promenade near the Joe Louis Arena at point 42°19′26″ N, 083°03′06.5″ W, then back eastward along the U.S. shoreline to point 42°19′36.5″ N, 083°02′31″ W. The safety zone will terminate at 9:30 a.m. on Sunday, July 22, 2001. Canadian authorities will establish similar regulations, with a 100-yard safety zone extending from the Canadian shoreline into the Detroit River at Dieppe Park. The Canadian safety zone will remain in effect while visiting tall ships are moored in Windsor. The Canadian authority is the Windsor Port Authority, 251 Goyeau St., Suite 502, Windsor, Ontario N9A 6V2, Harbour Master: William Marshall, (519) 258–5741. These safety zones are necessary to ensure the safety of the tall ships, their crews, and shoreside visitors who may be boarding these vessels while they are moored.

(2) *Anchorage and Safety Zone, Sail Detroit Ford Parade of Ships, July 22, 2001.* The U.S. Coast Guard and the Windsor Port Authority will implement complementary safety zones in the Detroit River, restricting vessel movements between the Ojibway Anchorage and the easternmost tip of Belle Isle on the U.S. side, including the cut channel below Peche Island on the Canadian side. The safety zones will be in place between the hours of 12:30 p.m. and 5:30 p.m. for the Sail Detroit Ford Parade of Ships. The existing Belle Isle and Ojibway Anchorages will be closed to commercial vessels before and for the duration of the parade to enable emergency anchoring for participating vessels during the parade and a suitable staging area for the marine parade. Spectator craft will be directed to

anchor in three temporary spectator anchorage areas that will be established along the U.S. side of the Detroit River from 7:30 a.m. until 5:30 p.m. The Coast Guard will place temporary buoys in the river to mark the four corners of each temporary spectator anchorage area. U.S. Coast Guard, assisting-agency patrol vessels and event-sponsored patrol craft will be on-scene in both areas to direct vessel operators to anchor.

Spectator Anchorage Area A covers all waters of the Detroit River between Chene Park and the Ford Auditorium, out to 200 yards from the U.S. shoreline. Spectator Anchorage Area A shall be in effect between 7:30 a.m. and 5:30 p.m. on Sunday, July 22, 2001. Spectator Anchorage Area B covers waters of the Detroit River from the Riverfront Marina to the Ambassador Bridge, out to 200 yards from the U.S. shoreline. Spectator Anchorage Area B shall be in effect between 7:30 a.m. and 5:30 p.m. on Sunday, July 22, 2001. Spectator Anchorage Area C covers all waters of the Detroit River from Riverside Park to Fort Wayne, out to 200 yards from the U.S. shoreline. Spectator Anchorage Area C shall be in effect between 7:30 a.m. and 5:30 p.m. on Sunday, July 22, 2001. These spectator anchorage areas are needed to accommodate the needs of recreational vessels and, at the same time, to ensure the safety of parade participants, spectator craft, commercial vessels, and the marine environment in the Detroit River.

Mariners are cautioned that the areas to be established as temporary anchorage grounds have not been subject to any special survey or inspection and that charts may not show all riverbed obstructions or the shallowest depths. In addition, the temporary spectator anchorages are in areas of substantial currents, and not all of the waters in the anchorages are over good holding ground. Mariners are advised to take appropriate precautions when using these temporary spectator anchorages. These are not special anchorage areas. Vessels must display anchor lights or shapes, as required by the navigation rules.

Temporary Spectator Anchorage Areas A, B, and C will include regulations restricting spectator craft to proceed at speeds which will create minimal wake, and not to exceed five (5) miles per hour.

Vessel operators intending to use one of the spectator anchorage areas during the Sail Detroit Ford Parade of Ships are advised to anticipate fully their length of stay in these areas and acquaint themselves with the operational restrictions that will be in effect concerning their use. Operators may not leave unattended vessels in an anchorage at any time and may not nest or tie off to other vessels, buoys, or to the adjacent shoreline. Spectator anchorage areas will be available on a first come first served basis.

Due to the number of spectator craft expected, vessel operators should remember it will be virtually impossible to move either safely or legally to new positions, as maneuvering between anchored vessels will be prohibited. Accordingly, vessels should have sufficient facilities on board to retain all garbage and untreated sewage. Discharge of either in any waters of the United States is forbidden. Violators may be assessed a civil penalty of up to $25,000.

Vessel operators are reminded, too, that in addition to the safety equipment requirements for pleasure craft, vessels carrying passengers must comply with certain additional rules and regulations. When a vessel is not being used exclusively for pleasure purposes but rather is carrying passengers, the vessel operator must possess a Coast Guard issued license and, in most cases, must also display a Certificate of Inspection issued by the U.S. Coast Guard.

While the legal definition of ''passenger'' found in 46 U.S.C. 2101(21) varies depending on the type of vessel involved, it means, generally, any person who has contributed any consideration (monetary or otherwise) either directly or indirectly for carriage on board the vessel. The same laws provide for substantial penalties for any violation. On-scene Coast Guard patrol personnel will enforce the provisions of the temporary anchorage regulations and will aggressively board vessels that appear to be overloaded or carrying passengers illegally. Violators will be prosecuted.

Upon the completion of the parade, all spectator craft shall depart their respective anchorage under the direction of on-scene Coast Guard vessels. To ease vessel traffic flow after the parade, vessels anchored in Temporary Anchorage Area A are expected to depart generally in an upbound direction, and may be delayed, leaving sometime after parade participants have had suitable time to clear the area. Vessels anchored in Temporary Spectator Anchorage Areas B and C are expected to depart generally in a downbound direction, with the ability to leave sooner than those proceeding upriver.

Additionally, there will be a temporary safety zone in all U.S. waters of the Detroit River between Nicholson Terminal, River Rouge, MI, and the eastern tip of Belle Isle between 12:30 p.m. and 5:30 p.m. on Sunday, July 22, 2001. The temporary safety zone will include all U.S. waters of the Detroit River bounded by a line drawn from a point on the United States shoreline near the Nicholson Marine Terminal in River Rouge, MI, at position 42°15′21″ N, 083°07′14″ W, to a point on the international boundary line at position 42°15′14″ N, 083°07′00″ W; thence northeasterly, along the international boundary line to a point due south of Coast Guard Station Belle Isle, at position 42°20′22″ N, 082°57′35″ W; thence, due north to Coast Guard Station Belle Isle. The safety zone includes all waters of the Detroit River, downbound from the Coast Guard Station Belle Isle, around the western tip of the island, along the MacArthur Bridge, and then along the length of the entire Detroit waterfront to Nicholson Terminal, River Rouge, MI, out to the U.S. Canadian border, not to include waters of Temporary Spectator Anchorage Areas A, B or C, as defined by § 110.T09–007. Similar restrictions will be in place in Canadian waters, including temporary closure of the cut channel below Peche Island as an anchorage area for parade vessels returning to Lake Erie. The U.S. Captain of the Port and Windsor Port Authority will work in concert to ensure the safety of U.S. and Canadian waterway users.

During the event, a no-wake zone will be maintained along the Canadian shoreline to allow for the through passage of recreational vessels bound for Lake Erie and Lake St. Clair for those vessel operators choosing not to anchor for the ship parade. No vessel shall enter the safety zone without the permission of the on-scene Coast Guard patrol craft. Movement within the safety zone will be controlled by on-scene patrol vessels.

Upbound commercial vessels will be allowed to transit the Detroit River with parade participants. They will not be permitted to overtake vessels participating in the parade until once outside the safety zone. The Canadian Marine Communications and Traffic Service (MCTS) Centre in Sarnia, Ontario, Canada, will coordinate and communicate with up and downbound commercial vessels, the Coast Guard Patrol Commander, and the sponsor's parade marshal. The Coast Guard Patrol Commander and the sponsor's parade marshal will assist in coordinating commercial vessel movements with MCTS Sarnia, communicating via marine band radio. Downbound deep draft commercial vessels will be requested to slow their speed of advance while in Lake Huron, so as to allow

event participants time to complete the parade route safely, to avoid meeting situations in congested waters during the ship parade.

Commercial vessels will not be allowed to anchor in the Belle Isle or Ojibway anchorages before or during the parade, except by permission of the Captain of the Port Detroit, or the Windsor Harbour Master, respectively. The Windsor Port Authority will implement a special anchorage area at the eastern end of Peche Island, in the cut channel below the island, to enable vessels participating in the parade to wait for the conclusion of the parade to return to down river locations.

These anchorage areas, safety zones, and vessel controls are necessary to ensure the safety of parade participants, waterside and shoreside spectators, commercial vessels and crews, and the marine environment during this period of high vessel traffic in the Detroit River. A Coast Guard safe boating guide is being prepared as a handout for marine spectators to clarify restrictions in place during the ship parade.

(3) *Safety Zone, Re-enactment of Cadillac's Landing, July 24, 2001.* Cadillac's landing in Detroit will be re-enacted in the Detroit River between the Detroit Yacht Club and Hart Plaza. No Canadian waterway restrictions will be in place for this event. Between six and ten replica canoes, each with approximately 30 people on board, will paddle down the Detroit River, departing the Detroit Yacht Club at approximately 1 p.m. and arriving at Hart Plaza at approximately 2:30 p.m. The canoes will moor to a barge anchored in the Detroit River in the vicinity of Hart Plaza. The landing will be followed by a ceremony commemorating the historic landing. After the ceremony, the canoes will paddle from Hart Plaza to Riverside Park, below the Ambassador Bridge, where they will exit the river. Because of the consistent wave action in the Detroit River from wind, wakes and current, a temporary 100-yard moving safety zone will be established around the canoes while they are operating in the Detroit River. There will also be a temporary safety zone 100 yards in all directions around the barge anchored near Hart Plaza that will serve as their landing site. The safety zones will be in effect between 1 p.m. and 7 p.m. on Tuesday, July 24, 2001. These safety zones are necessary to ensure the safety of the re-enactors, their vessels, and ceremony participants.

Upon completion of the harbor festivities in Detroit, many participating tall ships will head north to Bay City. The events and regulations planned for the Saginaw River and Saginaw Bay for the period July 26–30, 2001 are as follows:

(4) *Safety Zone, Parade of Ships, July 26, 2001.* Tall Ship Celebration: 2001 will hold its tall ship parade on Thursday, July 26, 2001. The parade is expected to begin at 1 p.m. in Bay City. To accommodate the start time, tall ships will begin mustering at approximately 12 noon in Saginaw Bay. A staging area will be established near the starting point, at ''Light 12'' (LLNR 10644), extending 100 yards in all directions from position 43°43′54″ N, 83°46′54″ W.

The parade route starts abeam of Saginaw Bay Channel ''Light 12'' proceeding up Saginaw Channel into the Saginaw River. It continues up the Saginaw River to a point near Veterans Memorial Park and Wenonah Park, where the parade will end and parade vessels will moor.

The parade will end near Veterans Memorial Park and Wenonah Park in Bay City, Michigan. Vessels will moor at locations along the two river banks of the Bay City waterfront in the vicinity of the Veterans Memorial Bridge.

The Coast Guard will establish a temporary moving safety zone around the participating vessels at the staging area and during the parade. The safety zone will start at 12 noon on Thursday, July 26, 2001 at the staging area, located at ''Light 12'' (LLNR 10644) and extending 100 yards in all directions from position 43°43′54″ N, 83°46′54″ W. Upon commencement of the parade at 1 p.m., the safety zone will include all waters of the Saginaw Bay Channel and Saginaw River, within the charted navigable channel, including the Essexville Turning Basin, 100 yards on all sides and one mile ahead of the lead parade vessel, up to the Veterans Memorial Bridge at mile 5.6 of the Saginaw River, and 100 yards around all other participating parade vessels. The safety zone will terminate at 7 p.m. on Thursday, July 26, 2001 at the Veterans Memorial Bridge. Only parade vessels and patrol craft will be permitted in the safety zone during the ship parade; any other vessel movement will be with the permission of the on-scene Coast Guard patrol vessels, as directed by the Coast Guard Patrol Commander.

Recreational vessels viewing the parade will be directed to anchor in the waters of the Saginaw River outside of the safety zone. Spectator craft in the Saginaw River are requested to remain anchored during the parade, and should be at anchor no later than 1 p.m. on Thursday, July 26, 2001. They will be asked to remain at anchor until the completion of the transit of the final parade vessel.

Mariners are cautioned that the areas designated for spectator craft anchoring have not been subject to any special survey or inspection and that charts may not show all riverbed obstructions or the shallowest depths. They are not special anchorage areas. Spectator vessels choosing waterside locations along the parade route must display anchor lights or shapes, as required by the navigation rules. Vessels anchoring in the Saginaw River, outside the channel, are requested to proceed at speeds that will create minimal wake and not to exceed five (5) miles per hour.

Vessel operators intending to anchor along the parade route during the Tall Ship Celebration: 2001 ship parade are advised to fully anticipate their length of stay and to the greatest extent practicable, to comply with the recommended operational guidelines. Operators should not leave unattended vessels in the river along the parade route at any time and should not nest or tie off to other vessels, buoys, or to the adjacent shoreline. Spectator anchorage locations will be available on a first come first served basis.

Due to the number of spectator craft expected, vessel operators should remember it will be virtually impossible to move safely to new positions, as maneuvering between anchored vessels is not advisable. Accordingly, vessels should have sufficient facilities on board to retain all garbage and untreated sewage. Discharge of either in any waters of the United States, which include all waters addressed in this rule, is strictly forbidden. Violators may be assessed a civil penalty of up to $25,000.

Vessels are reminded, too, that in addition to the safety equipment requirements for pleasure craft, vessels carrying passengers must comply with certain additional rules and regulations, as discussed in paragraph (2) above.

(5) *Drawbridge Operation Regulations, Parade of Ships, July 26, 2001.* To ensure the safety of the public during the parade, shoreside public safety vehicles must be fully capable of crossing the Saginaw River in the event of a shoreside emergency. To accommodate this public safety need, the Independence Bridge and the Liberty Street Bridge will open for vessel traffic on a rotating basis from 1 p.m. until 7 p.m. on Thursday, July 26, 2001 in Bay City, Michigan. The Independence Bridge will open for two to three parade vessels and will close behind them. The vessels will then proceed up the river to the Liberty

Street Bridge, which will open to allow them to pass. After the vessels have safely passed, and the Liberty Street Bridge has closed, the Independence Street Bridge will open to allow two or three more parade vessels to pass. Once the Independence Bridge is closed, the Liberty Street Bridge will open, allowing those vessels to pass. Vessels will continue to transit through the Independence and Liberty Street Bridges in this manner until all parade vessels have safely passed.

(6) *Safety Zone, Mooring of Tall Ships, July 26–30, 2001.* At 1 p.m. on Thursday, July 26, 2001, a temporary safety zone will be established in all waters of the Saginaw River between the Liberty Street Bridge and the Veterans Memorial Bridge. This safety zone will be in effect until 10 p.m. Thursday, July 30, 2001. Vessels may be permitted to operate in this safety zone, but only under the direction of on-scene Coast Guard patrol personnel. Spectator vessels will be directed out of this area altogether during the fireworks event, scheduled to take place at 10 p.m. on Saturday, July 28, 2001.

These safety rules are necessary in order to provide adequate controls to ensure the safety of the tall ships, their crews, and shoreside visitors who may be boarding these vessels while they are moored.

If changes are made to these proposed rules, or if the Captain of the Port, Detroit determines that additional controls are necessary, a notice will be published in the **Federal Register**. Details of these events and of the special regulations in effect for each event will be published in the Local Notice to Mariners. Additionally, appropriate Safety Marine Information Broadcasts will be initiated for each event. For all events, vessel operators will be required to maneuver as directed by on-scene Coast Guard patrol personnel. Coast Guard patrol personnel enforcing regulations for safety zones, anchorages, and regulated areas for these events include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local law enforcement vessels. Violators of Coast Guard safety zone regulations may result in civil penalties of up to $25,000.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

Due to the short duration of these marine events and the advance notice provided to the marine community, we expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Two days, Sunday, July 22, 2001 and Thursday, July 26, 2001, will have the greatest potential impact on port users. On July 22, the Sail Detroit Ford Parade of Ships will take place in the Detroit River, and on July 26, the Tall Ship Celebration: 2001 parade of ships will take place in Saginaw Bay and the Saginaw River. On both of these days, the combination of parade vessels and large numbers of recreational vessels will cause potential disruptions to normal port activity. However, due to the temporary nature of these disruptions, they can be planned for in advance to minimize the economic hardship that might result. The largest segments of the port community facing disruptions are the operators of deep draft vessels and the terminals they call on. In addition to the extended advance notice of these events provided by the COTP, deep draft vessel traffic will be accommodated as best as possible on these two days. Moreover, provisions have been made by the Sail Detroit sponsor to allow vessels transiting upbound in the Detroit River on Sunday, July 22 to be included in the ship parade.

The Coast Guard expects that the publication and advertisement of these events and these proposed regulations will allow the industry sufficient time to adjust schedules and minimize adverse impacts. Compensating for any adverse impacts are the favorable economic impacts that these events will have on commercial activity in the area as a whole from the boaters and tourists these events are expected to attract.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

For the reasons stated in the Regulatory Evaluation section above, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If this rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Marine Safety Office Detroit (*see* **ADDRESSES**).

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

We have analyzed this proposed rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local or tribal government or the private sector to incur direct costs without the Federal Government having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of

Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. A rule with tribal implications has a substantial direct effect on one or more Indian tribe, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraphs 34 (f), (g), and (h) of Commandant Instruction M16475.1C, this proposed rule will have no significant environmental impact and is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES**.

List of Subjects

33 CFR Part 110

Anchorage Grounds.

33 CFR Part 117

Bridges.

33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR Parts 110, 117, and 165 as follows:

PART 110—ANCHORAGE REGULATIONS [AMENDED]

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, and 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g).

2. Temporary § 110.T09–007 is added to read as follows:

§ 110.T09–007 Detroit River, Detroit, Michigan.

(a) Existing paragraph 110.206 is temporarily suspended from 7:30 a.m. to 5:30 p.m. on Sunday July 22, 2001. During the period of the suspension, the existing anchorage will be closed to commercial deep draft vessels, except as directed in an emergency during the Sail Detroit Ford Parade of Ships, as directed by COTP Detroit.

(b) For that same term, temporary spectator anchorage areas are established as follows:

(1) *Temporary Spectator Anchorage Area A.*

The area specifically bounded downriver by a line drawn from the United States shoreline at position 42°19′36″ N, 083°02′37″ W, to the Griswold Street Junction Buoy (LLNR 8200); and bounded on the south by a line drawn from the Griswold Street Junction Buoy to the Belle Isle Lower Lighted Junction Buoy (LLNR 8205); and bounded upriver by a line drawn from the Belle Isle Lower Lighted Junction Buoy to the United States shoreline at position 42°20′24″ N, 083°01′08″ W; and bounded on the north by the United States shoreline between positions 42°19′36″ N, 083°02′37″ W, and 42°20′24″ N, 083°01′08″ W is Temporary Spectator Anchorage Area A.

(2) *Temporary Spectator Anchorage Area B*

The area specifically bounded upriver by a line drawn from Riverfront Marina South Entrance Light ''1'' (LLNR 8175) to a point 200 yards from the United States shoreline at position 42°19′18″ N, 083°03′12″ W (point 1); and bounded downriver by the Ambassador Bridgefrom the United States shoreline at position 42°18′52″ N, 083°04′32″ W to a point 200 yards from the U.S. shoreline at position 42°18′46″ N, 083°04′29″ W (point 2); and bounded on the south by a line 200 yards offshore connecting points 1 and 2 parallel to the U.S. shoreline; and bounded on the north by the U.S. shoreline is Temporary Spectator Anchorage Area B.

(3) *Temporary Spectator Anchorage Area C.*

The area specifically bounded upriver by a line drawn from the United States shoreline at position, 42°18′46″ N, 083°04′42″ W to a point in the Detroit River 200 yards from the shoreline at position 42°18′42″ N, 083°04′38″ W (point 3); and bounded downriver by a line drawn between a point in the Detroit River at position 42°17′42.5″ N, 083°05′36.5″ W (point 4), and a point on the U.S. shoreline at position 42°17′46″ N, 083°05′43″ W; and bounded on the south by a line drawn 200 yards from the United States shoreline between points 3 and 4, and bounded on the west by the U.S. shoreline is Temporary Spectator Anchorage Area C.

(c) Local Regulations.

(1) During the effective period, all vessels operating within the Temporary Spectator Anchorage Areas A, B or C shall proceed directly to or from anchor at no wake speeds, not to exceed five (5) miles per hour, unless otherwise authorized by the COTP Detroit, or other on-scene Coast Guard patrol personnel.

(2) Vessel operators may not leave unattended vessels in the anchorage at any time.

(3) Vessel operators may not nest or tie off to other vessels or buoys, or to the adjacent shoreline.

(4) Vessel operators may not maneuver between anchored vessels.

(5) Vessel operators shall display the proper anchoring shapes or lights, as defined by navigation rules.

(6) Vessel operators shall depart the anchorage areas after termination of the effective period. Once directed to do so by on-scene patrol personnel, vessels shall depart as follows: Vessels anchored in Anchorage Areas A, B or C may depart in a downbound direction as soon as the last participating parade vessel passes by the anchorage. Upbound vessels will depart as directed by Coast Guard patrol personnel, based on congestion and existing vessel traffic conditions.

(7) Vessel operators shall comply with the instructions of the on-scene Coast Guard personnel. On-scene Coast Guard personnel include commissioned, warrant, and petty officers of the United States Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

(d) Mariners are cautioned that the areas designated as anchorage grounds in this section have not been subject to any special survey or inspection and that charts may not show all riverbed obstructions or the shallowest depths. In addition, the anchorages are in areas of substantial currents, and not all anchorages are over good holding ground. Mariners are advised to take appropriate precautions when using these temporary anchorages. These are not special anchorage areas. Vessels must display anchor lights or shapes, as required by the navigation rules. All anchorages in this paragraph are effective as specified. Vessel operators using the anchorages in this paragraph must comply with the general

operational requirements specified in paragraph (c) of this section.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

3. The Authority cite for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); Section 117.255 also issued under authority of Pub. L. 102–587, 106 Stat. 5039.

4. From 1 p.m., Thursday, July 26, 2001 until 7 p.m., Thursday, July 26, 2001, in § 117.647, suspend paragraph (b) and add paragraphs (f) and (g) to read as follows:

§ 117.647 Saginaw River.

* * * * *

(f) The draws of the Veterans Memorial bridge, mile 5.0, and Lafayette Street bridge, mile 6.2, in Bay City, shall open on signal from March 16 through December 15, except as follows:

(1) From 6:30 a.m. to 8:30 a.m. and 3:30 p.m. to 5:30 p.m. except Saturdays, Sundays, and holidays observed in the locality, the draws need not be opened for the passage of vessels of less than 50 gross tons.

(2) From 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. except on Sundays and Federal holidays, the draws need not be opened for the passage of downbound vessels of over 50 gross tons.

(3) From 8 a.m. to 8 p.m. on Saturdays, Sundays, and Federal holidays, the draws of the Lafayette Street bridge need not be opened for the passage of pleasure craft except for three minutes before to three minutes after the hour and half hour.

(4) From 8 a.m. to 8 p.m. on Saturdays, Sundays, and Federal holidays, the draws of the Veterans Memorial bridge need not be opened for the passage of pleasure craft, except from three minutes before to three minutes after the quarter hour and three quarter hour.

(5) From December 16 through March 15, the draws of these bridges shall open on signal if at least 12 hours notice is given.

(g) From 1 p.m., Thursday, July 26, 2001 to 7 p.m., Thursday, July 26, 2001, the draws of the Belinda Street (Independence) bridge, mile 3.3, and the Liberty Street bridge, mile 4.4, shall be closed to navigation, except that the draws shall open upon signal from vessels participating in the Tall Ship Celebration: 2001 Parade of Ships.

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS [AMENDED]

5. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

6. Add temporary § 165.T09–008 to read as follows:

§ 165.T09–008 Safety Zone: Hart Plaza to the Joe Louis Arena, Detroit River, Detroit, Michigan.

(a) *Location.* The following is a Safety Zone: All U.S. waters of the Detroit River extending 100 yards from the shoreline between the easternmost tip of Hart Plaza to the westernmost point of the River Promenade at Joe Louis Arena. The safety zone will enclose the area bounded by a line drawn from point 42°19′36.5″ N, 083°02′31″ W on the U.S. shoreline at the easternmost tip of Hart Plaza, extending southward 100 yards into the Detroit River to point 42°19′34″ N, 083°01′31″ W, then westward parallel to the U.S. shoreline to point 42°19′24″ N, 083°03′05″ W, then northward to the U.S. shoreline at the westernmost tip of the Riverfront Promenade near the Joe Louis Arena at point 42°19′26″ N, 083°03′06.5″ W, then back eastward along the U.S. shoreline to point 42°19′36.5″ N, 083°02′31″ W.

(b) *Effective Date.* This section is effective at 12 noon on Wednesday, July 18, 2001, and shall remain in effect until 9:30 a.m. on Sunday, July 22, 2001.

(c) *Regulations.* Vessels operating in the Detroit River within 100 yards of any moored tall ship sailing vessel during the effective period must proceed:

(1) In traffic patterns as directed by on-scene Coast Guard patrol craft, so as not to hazard tall ships or shoreside visitors boarding tall ships.

(2) At speeds that create minimal wake near any moored tall ship in the Detroit River, and not within 50 feet of the hull of any moored tall ship.

7. Add temporary § 165.T09–009 to read as follows:

§ 165.T09–009 Safety Zone: Detroit River, Detroit, Michigan.

(a) *Location.* The following is a safety zone: All U.S. waters of the Detroit River bounded by a line drawn from a point on the United States shoreline near the Nicholson Marine Terminal in River Rouge, MI, at position 42°15′21″ N, 083°07′14″ W, to a point on the international boundary line at position 42°15′14″ N, 083°07′00″ W; thence northeasterly, along the international boundary line to a point due south of Coast Guard Station Belle Isle, at position 42°20′22″ N, 082°57′35″ W; thence, due north to Coast Guard Station Belle Isle. The safety zone includes all waters of the Detroit River, downbound from the Coast Guard Station Belle Isle, around the western tip of the island, along the MacArthur Bridge, and then along the length of the entire Detroit waterfront to Nicholson Terminal, River Rouge, MI, out to the U.S. Canadian border, not to include waters of Temporary Spectator Anchorage Areas A, B or C, as defined by § 110.T09–007.

(b) *Effective Period.* This section will be in effect between 12:30 p.m. and 5:30 p.m. on Sunday, July 22, 2001.

(c) *Regulations.*

(1) The general regulations in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed. U.S. Coast Guard Auxiliary, representatives of the event organizer, and local or state officials may be present to inform vessel operators of this regulation and other applicable laws.

8. Add temporary § 165.T09–010 to read as follows:

§ 165.T09–010 Safety Zone: Detroit River, Detroit, Michigan.

(a) *Location.* The following areas are safety zones:

(1) All U.S. waters of the Detroit River, 100 yards in all directions, surrounding a ceremonial barge located in the vicinity of Hart Plaza in Detroit, Michigan, at approximate position 42°19′32″ N, 083°02′41″ W.

(2) All U.S. waters of the Detroit River, 100 yards in all directions surrounding a group of six (6) to ten (10) canoes as they transit from the Detroit Yacht Club at position 42°21′00″ N, 082°58′30″ W, to the ceremonial barge located near Hart Plaza at approximate position 42°19′32″ N, 083°02′41″ W; and continue to Riverside Park at position 42°18′46″ N, 083°04′42″ W.

(b) *Effective Period.* The safety zone shall be in effect between 1 p.m. and 7 p.m. on Tuesday, July 24, 2001.

(c) *Regulations.*

(1) The general regulations in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the

designated on-scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed. U.S. Coast Guard Auxiliary, representatives of the event organizer, and local or state officials may be present to inform vessel operators of this regulation and other applicable laws.

9. Add temporary § 165.T09–011 to read as follows:

§ 165.T09–011 Safety Zone: Saginaw Bay and River, Bay City, Michigan.

(a) *Location.* The following area is a safety zone: All waters of Saginaw Bay and the Saginaw River within a one hundred (100) yard radius and one mile ahead of a group of 12 to 20 tall ships and other parade vessels as they transit from position 43°43′54″ N, 083°46′54″ W, ''Light 12'' (LLNR 10644) to Veterans Memorial Bridge.

(b) *Effective Date.* This section is effective from 1 p.m. on Thursday, July 26, 2001 until 7 p.m.

(c) *Regulations.*

(1) The general regulations in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed. U.S. Coast Guard Auxiliary, representatives of the event organizer, and local or state officials may be present to inform vessel operators of this regulation and other applicable laws.

10. Add temporary § 165.T09–012 to read as follows:

§ 165.T09–012 Safety Zone: Veterans Park and Wenonah Park, Saginaw River, Bay City, Michigan.

(a) *Location.* The following area is a safety zone: All waters of the Saginaw River between the Liberty Street Bridge at mile 4.99 and the Veterans Memorial Bridge at mile 5.60.

(b) *Effective Date.* The safety zone will be in effect from 7 p.m. on Thursday, July 26, 2001 to 12 p.m., noon, on Monday, July 30, 2001.

(c) *Regulations.* The following special regulations apply:

(1) The general regulations in 33 CFR 165.23 apply.

(2) Vessels operating in the Saginaw River within the safety zone during the effective period must proceed at no wake speeds, and not within 50 feet of the hull of any moored tall ship, in traffic patterns as directed by on-scene Coast Guard patrol craft, so as not to hazard tall ships or shoreside visitors boarding tall ships.

(3) Vessels shall remain outside the designated hazard area in the safety zone, as directed by on-scene Coast Guard personnel, during any evening fireworks event.

(4) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or designated on-scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed. U.S. Coast Guard Auxiliary, representatives of the event organizer, and local or state officials may be present to inform vessel operators of this regulation and other applicable laws.

Dated: March 28, 2001.

James D. Hull,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District, Cleveland, Ohio.

[FR Doc. 01–8444 Filed 4–6–01; 8:45 am]

BILLING CODE 4910–15–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–B–7410]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (e-mail) *matt.miller@fema.gov*.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency proposes to make determinations of base flood elevations and modified base flood elevations for each community listed below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act

This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director for Mitigation certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This proposed rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376, § *67.4.*

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
Arkansas	Little Rock (City) (Pulaski County).	Fourche Creek	At confluence with Arkansas River	*249	*249
			Just downstream of Frazier Pike	*253	*254
			Just downstream of State Highway 67/70 (Northbound University Avenue).	*257	*258
		Fourche Bayou	Approximately 1,000 feet downstream of Frazier Pike.	None	*240
		Grassy Flat Creek	At confluence with Rock Creek	*331	*330
			Just downstream of Reservoir Road	*369	*367
			Approximately 300 feet upstream of Rocky Valley Drive.	None	*481
		Little Maumelle River	Approximately 1.2 miles upstream of confluence with Arkansas River.	*262	*263
		Rock Creek	At confluence with Fourche Creek	*258	*258
			Approximately 200 feet upstream of Barrow Road.	*332	*333
Maps are available for inspection at the City of Little Rock Department of Public Works, 701 West Markham Street, Little Rock, Arkansas.					
Send comments to The Honorable Jim Dailey, Mayor, City of Little Rock, 500 West Markham Street, Room 203, Little Rock, Arkansas 72201.					
Arkansas	Pulaski County (Unincorporated Areas).	Fourche Creek	Approximately 200 feet Downstream of Airport Road.	*253	*253
			Just upstream of Mabelvale Pike	*257	*258
		Little Fourche Creek	Approximately 2,700 feet Upstream of West 65th Stream.	*256	*257
			Just downstream of Geyer Springs Road	*268	*267
		Rock Creek	Just upstream of Kanis Road Approximately 1,300 feet.	*466	*467
			Upstream of Kanis Road	*489	*493
		Rock Creek Tributary A	At confluence with Rock Creek	None	*479
			Approximately 2,600 feet Upstream of Chenal Valley Parkway.	None	*538
Maps are available at the Pulaski County Planning Department, 201 South Broadway, Room 370, Little Rock, Arkansas.					
Send comments to The Honorable Floyd Villines, Pulaski County Judge, 201 South Broadway, Little Rock, Arkansas 72201.					
South Dakota	Day County and Incorporated Areas.	Bitter Lake	Along entire shoreline	None	*1,810
		Blue Dog Lake	Along entire shoreline	None	*1,810
		Foldager Slough	Along entire shoreline	None	*1,810
		Goose Lake	Along entire shoreline	None	*1,810
		Hillebrands Lake	Along entire shoreline	None	*1,810
		Little Rush Lake	Along entire shoreline	None	*1,810
		Minnewasta Lake	Along entire shoreline	None	*1,810
		Rush Lake	Along entire shoreline	None	*1,810
		Solomon Slough	Along entire shoreline	None	*1,810
		South Waubay Lake	Along entire shoreline	None	*1,810
		Spring Lake	Along entire shoreline	None	*1,810
		Swan Pond	Along entire shoreline	None	*1,810
		Waubay Lake	Along entire shoreline	None	*1,810

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified

Maps for the Cities of Waubay and Webster, the Town of Grenville and the unincorporated areas of Day County are available for inspection at the Day County Zoning Administration office, County Courthouse, 711 West First Street, Webster, South Dakota.

Send comments to The Honorable Kevin Jens, Mayor, City of Waubay, c/o Ms. Sheryl Town, Finance Officer, PO Box 155, Waubay, South Dakota 57273-0155.

Send comments to The Honorable Mike Grosek, Mayor, City of Webster, PO Box 543, Webster, South Dakota 57274.

Send comments to The Honorable Tom Aldentower, Mayor, Town of Grenville, c/o Ms. Janet Knapp, 711 West First Street, Webster, South Dakota 57274.

Send comments to The Honorable Darrell Hildebrant, Chairman, Day County Board of Commissioners, Day County Courthouse, 711 West First Street, Webster, South Dakota 57274.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: April 2, 2001.

Margaret E. Lawless,

Acting Executive Associate Director for Mitigation.

[FR Doc. 01–8621 Filed 4–6–01; 8:45 am]

BILLING CODE 6718–04–P

Notices

Federal Register
Vol. 66, No. 68
Monday, April 9, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Dairyland Power Cooperative; Notice of Finding of No Significant Impact

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Utilities Service (RUS), pursuant to the National Environmental Policy Act of 1969, as amended, the Council on 85 Environmental Quality regulations (40 CFR parts 1500–1508), and RUS Environmental Policies and Procedures (7 CFR part 1794), has made a finding of no significant impact (FONSI) with respect to a project proposed by Dairyland Power Cooperative (DPC) of La Crosse, Wisconsin. The project consists of constructing a coal ash landfill at its existing Alma off-site disposal facility. The project is located in the NE¼ of the NE¼ of section 19 and portions of sections 18 and 20, T21N, R12W, Belvidere Township, Buffalo County, Wisconsin. The proposed site is located approximately two miles southeast of Alma, Wisconsin. The proposed landfill will be an expansion of DPC's existing facility. All construction activity will take place on property owned by DPC. RUS may provide financial assistance to DPC for this project.

RUS has concluded that the impacts of the proposed project would not be significant and the proposed action is not a major federal action significantly affecting the quality of the human environment. Therefore, the preparation of an environmental impact statement is not necessary.

FOR FUTHER INFORMATION CONTACT: Nurul Islam, Environmental Protection Specialist, Rural Utilities Service, Engineering and Environmental Staff, Stop 1571, 1400 Independence Avenue, SW, Washington, DC 20250–1571, telephone: (202) 720–1414; e-mail: nislam@rus.usda.gov. Information is also available from Bradley P. Foss, Environmental Biologist, DPC, 3200 East Avenue South, La Crosse, Wisconsin 54601, telephone (608) 787–1492, FAX: (608) 787–1490. His e-mail address is: bpf@dairynet.com.

SUPPLEMENTARY INFORMATION: RUS, in accordance with its environmental policies and procedures, required that DPC prepare an Environmental Analysis (EVAL) reflecting the potential impacts of the proposed facilities. The EVAL, which includes input from federal, state, and local agencies, has been reviewed and accepted as RUS' Environmental Assessment (EA) for the project in accordance with 7 CFR 1794.41. RUS and DPC published notices of the availability of the EA and solicited public comments per 7 CFR 1794.42. The 30-day comment period on the EA for the proposed Phase IV Coal Ash Landfill ended February 24, 2001. Comments were received from the Wisconsin Department of Natural Resources (WDNR), Town Board for the Town of Belvidere (the Board), and U.S. Environmental Protection Agency (USEPA). DPC has submitted their asbestos-handling plan to WDNR for its approval. The asbestos-handling plan, submitted by DPC, had been revised per WDNR's request. Asbestos containing insulation will be sealed in plastic bags before disposal. The bags will be placed in a specially designated asbestos containment area in the central portion of the active disposal area of a cell in Phase IV. The asbestos containing bags shall be laid down flat in the prepared area and covered with two feet of low moisture blended fly ash. The location of the asbestos disposal area within the site shall be mapped and recorded. DPC will not exhume asbestos that will be disposed in the Phase IV. The plan is under review by the WDNR. DPC will revise its asbestos-handling plan as per WDNR recommendation. DPC has already secured or will secure the following approval or permits prior to Phase IV construction of the landfill: initial site investigation report approval, feasibility report approval, plan of operations report approval, and a storm water permit. The Environmental Planning and Evaluation Branch, Region 5, USEPA, reviewed the EA and stated that the environmental impacts appear to be minimal and temporary and should not adversely affect human health or significantly degrade the environment. They did not object to the project or the EA.

Comments were received from the Board in Buffalo County. Its concern included: (1) Tax-exempt status of the landfill and additional lands that are used for buffer zone, and (2) potential pollution from the landfill. The Board's question for the tax-exempt status of lands within a utility project was based upon provisions within the Wisconsin Statues. The proposed Phase IV area has always been within the overall solid waste site and, therefore, we believe that the proposed development will have no effect on the local real property tax. In other words, the real property tax status will remain the same. The land around the landfill acts to maintain a buffer around the landfill. This buffer zone consisting primarily of woodland protects and preserves the aesthetics of the adjacent lands and at the same time helps settling the fugitive dust generated in the landfill area. Fugitive dust will be controlled at the site mainly by the use of water. Other dust control operations will include, but will not limited to, moistening of fly ash, wetting the roads with water to control dust generated by vehicular movements, and placing temporary soil covering of fill material. The proposed Plan of Operation submitted to WDNR include a detailed Dust Control Plan, a groundwater monitoring program, and a Storm Water Pollution Prevention Plan. We believe that all environmental related comments were resolved.

Based on the EA, RUS has concluded that the proposed action will not have a significant effect to various resources, including important farmland, floodplains, wetlands, cultural resources, threatened and endangered species and their critical habitat, air and water quality, and noise. RUS has also determined that there would be no negative impacts of the proposed project on minority communities and low-income communities as a result of the construction of the project.

Dated: March 27, 2001.

Blaine D. Stockton,

Assistant Administrator, Electric Program, Rural Utilities Service.

[FR Doc. 01–8646 Filed 4–6–01; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Oglethorpe Power Corporation; Notice of Finding of No Significant Impact

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Utilities Service (RUS) has made a finding of no significant impact with respect to the construction and operation of a 652-megawatt, natural gas fired combustion turbine electric generation plant in Talbot County, Georgia. Oglethorpe Power Corporation proposes to be the agent to construct and operate the plant. RUS may provide financing for the plant to an entity made up of members of Oglethorpe Power Corporation. The specifics of that entity have yet to be determined.

FOR FURTHER INFORMATION CONTACT: Bob Quigel, Environmental Protection Specialist, Engineering and Environmental Staff, RUS, Stop 1571, 1400 Independence Avenue, SW., Washington, D.C. 20250–1571, telephone (202) 720–0468, e-mail at bquigel@rus.usda.gov.

SUPPLEMENTARY INFORMATION: Oglethorpe Power Corporation proposes to construct the plant at a site in Talbot County, Georgia. The site is near the junction of the Muscogee and Harris County lines in southwest Talbot County off Cartledge Road near Highway 80. The proposed site for the project will require approximately 25 acres for the generation facility and supporting structures and 11 acres for the on-site electric transmission lines. Five to six miles of natural gas pipeline requiring a 50-foot wide right-of-way will need to be constructed from the site north to tie the generation facility to Southern Natural Gas mainline. Additional land will be purchased and maintained intact with natural vegetation to provide a buffer zone between the plant and the existing environment.

The proposed plant will be made up of six 108-megawatt (nominal) Siemens V84.2 natural gas fired, simple cycle combustion turbines. The turbines could be retrofitted at a later date so they could be fired by fuel oil. The major generation equipment will consist of the combustion turbines and generators, equipment modules, and step-up transformers. Each combustion turbine package will have an inlet air filter, weather enclosure, 90-foot exhaust stack, fuel system, lubrication and hydraulic systems, control panel, and fire protection system.

Copies of the Finding of No Significant Impact are available from RUS at the address provided herein or from Mr. Greg Jones of Oglethorpe Power Corporation, PO Box 1349, Tucker, Georgia 30085–1349, (800) 241–5374 x7890; greg.jones@opc.com. Copies of the environmental assessment are available for review at Oglethorpe Power Corporation and RUS at the addresses provided herein.

Dated: April 2, 2001.

Blaine D. Stockton,

Assistant Administrator, Electric Program.

[FR Doc. 01–8645 Filed 4–6–01; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Old Dominion Electric Cooperative; Notice of Intent

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of intent to hold a public meeting and prepare an environmental assessment.

SUMMARY: Notice is hereby given that the Rural Utilities Service (RUS), pursuant to the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations for Implementing the National Environmental Policy Act (40 CFR parts 1500–1508), and RUS Environmental Policies and Procedures (7 CFR part 1794) proposes to prepare an Environmental Assessment related to possible financing assistance to Louisa Generation LLC related to construction and operation of a 490-megawatt simple cycle, combustion turbine electric generation plant in Louisa County, Virginia.

Meeting Information: RUS will conduct a public meeting on Wednesday, April 25, 2001, from 6:00 p.m. until 9:00 p.m. at the Trevilians Elementary School, 2035 Spotswood Trail, Louisa, Virginia. All interested parties are invited to attend the meeting.

FOR INFORMATION CONTACT: Bob Quigel, Engineering and Environmental Staff, Rural Utilities Service, at (202) 720–0468. Mr. Quigel's E-mail address is bquigel@rus.usda.gov. Information is also available from David Smith of Old Dominion Electric Cooperative at (804) 968–4045. Mr. Smith's E-mail address is dsmith@odec.com.

SUPPLEMENTARY INFORMATION: Old Dominion would be the agent to construct and operate the proposed plant. The preferred plant site is located just south of the Louisa/Albemarle County line at the intersection of Klockner Road and a CSX Railroad track. The site is approximately 90 acres. About 30 acres of the site would be developed for the plant. The plant would be made up of one GE Frame 7FA and four 7EA combustion turbines. The nominal maximum output of the plant will be 490 megawatts. The primary fuel will be natural gas. Low sulfur fuel oil will be used as a back-up fuel.

The plant will be a peaking facility. It is anticipated that each of the five turbines would operate for no more than 1,800 hours per year. This would be during periods of high-energy demand in Virginia. The plant would be interconnected to a 230 kV transmission line that crosses the site. Natural gas would be delivered to the site via an existing pipeline located south of the plant site. The natural gas pipeline company is evaluating what upgrades would be necessary to interconnect the plant to the existing pipeline. The maximum water use by the plant is estimated to be 22.6 million gallons per year. A water pipeline would need to be constructed to transport the water to the plant.

Alternatives considered by RUS and Old Dominion Electric Cooperative include: (a) No action, (b) purchased power, (c) load management and conservation, (d) renewable energy, (e) simple cycle combustion turbine, (f) combined cycle, and (g) various site locations.

An alternative evaluation and site selection study for the project was prepared by Old Dominion Electric Cooperative. The alternative evaluation and site selection study are available for public review at RUS in Room 2242, 1400 Independence Avenue, SW, Washington, DC, and at the headquarters of Old Dominion Electric Cooperative, Innsbrook Corporate Center, 4201 Dominion Boulevard, Glen Allen, Virginia. This document will also be available at the Jefferson-Madison Regional Library, 881 Davis Highway, Mineral, Virginia.

Government agencies, private organizations, and the public are invited to participate in the planning and analysis of the proposed project. Representatives of RUS and Old Dominion Electric Cooperative will be available at the public meeting to discuss RUS' environmental review process, describe the project and alternatives under consideration, discuss the scope of environmental issues to be considered, answer questions, and accept oral and written comments. Written comments will be

accepted for 30 days after the public scoping meeting.

From information provided in the alternative evaluation and site selection study, input that may be provided by government agencies, private organizations, and the public, Old Dominion Electric Cooperative will prepare an environmental analysis to be submitted to RUS for review. RUS will use the environmental analysis to determine the significance of the impacts of the project and may adopt it as its environmental assessment of the project. RUS' environmental assessment of the project would be available for review and comment for 30 days.

Should RUS determine, based on the environmental assessment of the project, that the impacts of the construction and operation of the plant would not have a significant environmental impact, it will prepare a finding of no significant impact. Public notification of a finding of no significant impact would be published in the **Federal Register** and in newspapers with a circulation in the project area.

Any final action by RUS related to the proposed project will be subject to, and contingent upon, compliance with environmental review requirements as prescribed by Council on Environmental Quality and RUS environmental policies and procedures.

Dated: April 4, 2001.

Mark Plank,

Acting Director, Engineering and Environmental Staff.

[FR Doc. 01–8644 Filed 4–6–01; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket A(27f)–16–01]

Foreign-Trade Zone 8—Toledo, OH, Subzone 8H—Sunoco, Inc. (Crude Oil Refinery Complex), Request for Minor Modification

An application has been submitted to the Foreign-Trade Zones Board (the Board) by Sunoco, Inc., operator of FTZ Subzone 8H, pursuant to § 400.27(f) of the Board's regulations, for a minor modification of the list of products that can be produced from non-privileged (NPF) inputs referenced in Restriction #2 of FTZ Board Order 1136 (66 FR 6581, 1/22/01), authorizing Subzone 8H at Sunoco's oil refinery complex in Toledo, Ohio. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 30, 2001.

The company is now requesting to add two additional refinery products—nonene and dodecene (commonly known as propylene trimer and propylene tetramer, respectively)—to the list of petrochemical feedstocks and refinery by-products that can be produced from NPF status inputs (e.g., crude oil) at the refinery. The list is referenced as Appendix ''C'' of the Examiner's Report in Board Order 1136, Restriction #2.

The request indicates that these products were misclassified under HTSUS subheading 2707.50.00 (other aromatic hydrocarbon mixtures—duty-free) in the list of requested products in the original subzone application. The appropriate HTSUS subheading would be 2901.29.1050 (unsaturated acyclic hydrocarbons, other, other), which became duty-free in 1999.

Public comment on the proposal is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 9, 2001. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 24, 2001).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations: Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 4008, 14th & Pennsylvania Avenue, NW, Washington, DC 20230.

Dated: April 2, 2001.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 01–8663 Filed 4–6–01; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–337–803]

Notice of Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review: Fresh Atlantic Salmon From Chile

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: In response to requests by eleven producers/exporters of subject merchandise and the petitioners, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on fresh Atlantic salmon from Chile. This review covers eleven producers/exporters of the subject merchandise. The period of review (POR) is July 1, 1999, through June 30, 2000.

We preliminarily determine that sales of subject merchandise by the respondents under review have not been made below normal value (NV). If these preliminary results are adopted in our final results, we will instruct the U.S. Customs Service to liquidate appropriate entries of subject merchandise during the POR without regard to antidumping duties.

We are also preliminarily rescinding this review with respect to two producers.

Interested parties are invited to comment on these preliminary results. Parties who submit arguments are requested to submit with each argument: (1) A statement of the issue and (2) a brief summary of the argument. Further, we would appreciate parties submitting comments to provide the Department with an additional copy of the public version of any such comments on diskette.

EFFECTIVE DATE: April 9, 2001.

FOR FURTHER INFORMATION CONTACT: Edward Easton or Gabriel Adler, at (202) 482–3003 or (202) 482–3813, respectively; AD/CVC Enforcement Office V, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR Part 351 (2000).

Case History

On July 30, 1998, the Department issued an antidumping duty order on fresh Atlantic salmon from Chile. *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Fresh Atlantic Salmon from Chile,* 63 FR 40699 (July

30, 1998). On July 20, 2000, the Department issued a notice of opportunity to request the second administrative review of this order. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 65 FR 45037 (July 20, 2000).

On July 28 and July 31, 2000, the following companies requested that the Department conduct an administrative review for the period from July 1, 1999, through June 30, 2000: (1) Cultivadora de Salmones Linao Ltda. (Linao); (2) Cultivos Marinos Chiloe Ltda. (Cultivos Marinos); (3) Fiordo Blanco, S.A. (Fiordo Blanco); (4) Pesca Chile S.A. (Pesca Chile); (5) Pesquera Eicosal Ltda. (Eicosal); (6) Pesquera Mares Australes (Mares Australes); (7) Salmones Mainstream S.A. (Mainstream); (8) Salmones Multiexport Ltda. (Multiexport); (9) Salmones Pacific Star (Pacific Star); (10) Salmones Pacifico Sur, S.A. (Pacifico Sur); and (11) Salmones Tecmar, S.A. (Tecmar).

Also on July 31, 2000, in accordance with 19 CFR 351.213(b)(1), the Coalition for Fair Atlantic Salmon Trade (the petitioners) requested a review of 83 producers/exporters of fresh Atlantic salmon. As explained below, the petitioners subsequently withdrew their request for review of 70 of these companies.

On August 25, 2000, we issued the notice of initiation of this antidumping duty administrative review, covering the period July 1, 1999, through June 30, 2000. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part,* 65 FR 53980 (September 6, 2000).

Per letters filed on September 12 and 26, and October 16, 2000, the petitioners withdrew their request for review for all companies except the following: (1) Chisal S.A. (Chisal); (2) Cultivos Marinos; (3) Eicosal; (4) Fitz Roy S.A. (Fitz Roy); (5) Fiordo Blanco; (6) Linao; (7) Mainstream; (8) Mares Australes; (9) Multiexport; (10) Pacific Star; (11) Pacifico Sur; (12) Pesca Chile; and (13) Tecmar. The Department published a notice rescinding the review with respect to the other 70 companies named by the petitioners. *See Partial Rescission of Antidumping Duty Administrative Review,* 65 FR 81487 (December 26, 2000).

Partial Rescission of Antidumping Duty Administrative Review

Chisal and Fitz Roy each certified to the Department that it had not shipped subject merchandise to the United States during the POR. Our examination of entry data for U.S. imports confirmed that neither company had shipped subject merchandise to the United States during the POR. Therefore, pursuant to 19 CFR 315.213(d)(3), we preliminarily rescinding the review with respect to these two companies.

Scope of the Review

The product covered by this review is fresh, farmed Atlantic salmon, whether imported ''dressed'' or cut. Atlantic salmon is the species Salmo salar, in the genus Salmo of the family salmoninae. ''Dressed'' Atlantic salmon refers to salmon that has been bled, gutted, and cleaned. Dressed Atlantic salmon may be imported with the head on or off; with the tail on or off; and with the gills in or out. All cuts of fresh Atlantic salmon are included in the scope of the review. Examples of cuts include, but are not limited to: crosswise cuts (steaks), lengthwise cuts (fillets), lengthwise cuts attached by skin (butterfly cuts), combinations of crosswise and lengthwise cuts (combination packages), and Atlantic salmon that is minced, shredded, or ground. Cuts may be subjected to various degrees of trimming, and imported with the skin on or off and with the ''pin bones'' in or out.

Excluded from the scope are (1) fresh Atlantic salmon that is ''not farmed'' (*i.e.,* wild Atlantic salmon); (2) live Atlantic salmon; and (3) Atlantic salmon that has been subject to further processing, such as frozen, canned, dried, and smoked Atlantic salmon, or processed into forms such as sausages, hot dogs, and burgers.

The merchandise subject to this investigation is classifiable as item numbers 0302.12.0003 and 0304.10.4093, 0304.90.1009, 0304.90.1089, and 03040.90.9091 of the Harmonized Tariff Schedule of the United States (HTSUS). although the HTSUS statistical reporting numbers are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Fair Value Comparisons

We compared the EP or CEP to the NV, as described in the *Export Price and Constructed Export Price* and *Normal Value* sections of this notice. We first attempted to compare contemporaneous sales of products sold in the United States and comparison markets that are identical with respect to the matching characteristics. Pursuant to section 771(16) of the Act, all products produced by the respondents that fit the definition of the scope of the review and were sold in the comparison markets during the POR fall within the definition of the foreign like product. We have relied on four criteria to match U.S. sales of subject merchandise to comparison market sales of the foreign like product: form, grade, weight band, and trim. As in the first administrative review, we have determined that it is generally not possible to match products of dissimilar forms, grades, and weight bands, because there are significant differences among products that cannot be accounted for by means of a difference-in-merchandise adjustment; we did, where appropriate, make comparisons of merchandise with different trims. (Unlike the other three physical characteristics, trim is the result of a processing operation with readily identifiable differences in the variable cost of manufacturing, which permits the comparison of similar products with a difference-in-merchandise adjustment.) *See Notice of Final Results of Antidumping Duty Administrative Review: Fresh Atlantic Salmon from Chile,* 65 FR 78472 (December 15, 2000). Where there were no appropriate sales of comparable merchandise, we compared the merchandise sold in the United States to constructed value (CV).

Collapse of Affiliated Parties

Section 351.401(f)(1) of the Department's regulations provides for affiliated producers of subject merchandise to be treated as a single entity (*i.e.,* collapsed), where (1) those producers have production facilities for similar or identical products that would not require substantial retooling of either facility in order to restructure manufacturing priorities and (2) the Department concludes that there is a significant potential for manipulation of price or production. Section 351.401(f)(2) of the Department's regulations provides factors for the Department to consider when looking for a significant potential for manipulation of price or production, namely (i) the level of common ownership; (ii) the extent to which managerial employees or board members of one firm sit on the board of directors of an affiliated firm; and (iii) whether operations are intertwined, such as through the sharing of sales information, involvement in production and pricing decisions, the sharing of facilities or employees, or significant transactions between the affiliated producers.

The questionnaire responses submitted by respondent Mares Australes on October 13, 2000, and other information on the record of this review, provide evidence that during the POR Mares Australes was affiliated with another producer of subject

merchandise, Marine Harvest S.A. (Marine Harvest), and that the above-referenced criteria for collapsing these companies were met.

First, the record establishes that Mares Australes and Marine Harvest were under common ownership by another company. Therefore, the two companies are affiliated under section 771(33)(F) the Act (which deems ''two or more persons directly or indirectly controlling, controlled by, or under common control with, any person'' to be affiliated).

Second, Mares Australes and Marine Harvest had production facilities for similar or identical products that would not require substantial retooling of either facility to restructure manufacturing priorities, inasmuch as the vast majority of their sales of subject merchandise involved premium-grade fillets of fresh Atlantic salmon.[1]

Third, there was a significant potential for manipulation of price or production, inasmuch as (i) the two companies were entirely under common control; (ii) throughout the POR, the two companies were in the process of merging their management structure, and, by the end of the period, were under common management; and (iii) the two companies shared sales information through their common management, and also had significant transactions between them.

Given this, the Department has preliminarily determined to collapse Mares Australes and Marine Harvest.[2] The preliminary dumping margin calculated for Mares Australes reflects sales and cost data provided by both Mares Australes and Marine Harvest.[3]

[1] We note that the operation of Mares Australes and Marine Harvest were not identical. For instance, Marine Harvest had its own processing plant, while Mares Australes subcontracted procession; Mares Australes had access to feed from a closely affiliated supplier, while Marine Harvest obtained most of its feed from unaffiliated suppliers. Nonetheless, the operations of the two companies produced virtually indistinguishable premium-grade salmon.

[2] We note that Marine Harvest was found to be dumping at *de minimis* levels in the LTFV investigation, and was excluded from the antidumping order on fresh Atlantic salmon from Chile. *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Fresh Atlantic Salmon from Chile,* 63 FR 40699 (July 30, 1998). Therefore, entries from the Harvest during the POR were not suspended. However, to the extent that Mares Australes and Marine Harvest became affiliated during the period of this review, and that the standard for collapsing is met, it is necessary to incorporate the sales and cost data of Marine Harvest in the Calculation of the dumping margin for Mares Australes during the period.

[3] Mares Australes submitted Marine Harvest data through questionnaire responses dated November 27, 2000, and January 10 and February 2, 2001.

Export Price and Constructed Export Price

For the price to the United States, we used, as appropriate, EP or CEP as defined sections 772(a) and 772(b) of the Act, respectively. Section 772(a) of the Act defines EP as the price at which the subject merchandise is first sold by the exporter or producer outside the United States to an unaffiliated purchaser for exportation to the United States, before the date of importation, or to an unaffiliated purchaser for exportation to the United States. Section 772(b) of the Act defines CEP as the price at which the subject merchandise is first sold inside the United States before or after the date of importation, by or for the account of the producer or exporter of the merchandise, or by a seller affiliated with the producer or exporter, to an unaffiliated purchaser, as adjusted under subsections 772(c) and (d) of the Act.

For all respondents, we calculated EP and CEP, as appropriate, based on the packed prices charged to the first unaffiliated customer in the United States. Where sales were made through an unaffiliated consignment broker, we did not consider the consignment broker to be the customer; rather, we considered the customer to be the consignment broker's customer.

In accordance with section 772(c)(2) of the Act, we reduced the EP and CEP by movement expenses and export taxes and duties, where appropriate. Section 772(d)(1) of the Act provides for additional adjustments to CEP. In this case, CEP sales were made through unaffiliated consignment brokers for the account of the producer/exporter. Consistent with past practice, for these sales we deducted from the CEP commissions charged to, and other direct expenses incurred for the account of, the producer/exporter. *See Notice of Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Administrative Review: Fresh Atlantic Salmon From Chile,* 65 FR 48457, 48460 (August 8, 2000). We did not deduct an amount for CEP profit for these sales, because the commission already contains an element for profit realized by the unaffiliated consignment broker.

We determined the EP or CEP for each company as follows:

Cultivos Marinos

We calculated an EP for all of Cultivos Marinos' sales because the merchandise was sold directly by Cultivos Marinos to the first unaffiliated purchaser in the United States prior to importation, and CEP was not otherwise warranted based on the facts of record. We made deductions from the starting price for movement expenses in accordance with section 772(c)(2)(A) of the Act. These include foreign inland freight, international freight, U.S. brokerage and U.S. duties. We also deducted the amount for billing adjustments from the starting price and added duty drawback, in accordance with section 772(c)(1)(B) of the Act.

Eicosal

We calculated an EP for all of Eicosal's sales because the merchandise was sold directly by Eicosal to the first unaffiliated purchaser in the United States prior to importation, and CEP was not otherwise warranted based on the facts of record. We made deductions from the starting price for movement expenses in accordance with section 772(c)(2)(A) of the Act. These include inland freight, international freight, U.S. brokerage and U.S. duties. We also deducted the amount for billing adjustments from the starting price and added duty drawback, in accordance with section 772(c)(1)(B) of the Act.

Fiordo Blanco

During the POR, Fiordo Blanco made CEP transactions. We calculated a CEP for sales made by Fiordo Blanco's affiliated U.S. reseller after importation of the subject merchandise into the United States. CEP sales were based on the packed price for exportation to the Untied States. We made deductions from the starting price fro rebates, as well as movement expenses in accordance with section 772(c)(2)(A) of the Act. These include inland freight, international freight, brokerage and handling, and U.S. duties. We also added the amount for duty drawback, in accordance with section 772(c)(1)(B) of the Act.

In accordance with section 772(d)(1) of the Act, for CEP sales we deducted from the starting price those selling expenses that were incurred in selling the subject merchandise in the United States, including direct selling expenses incurred by the affiliated reseller in the United States. We also deducted an amount for profit in accordance with section 772(d)(3) of the Act.

Linano

During the POR, Liano made both EP and CEP transactions. We calculated an EP for sales where the merchandise was sold directly by Linao to the first unaffiliated purchaser in the United States prior to importation, and CEP was not otherwise warranted based on the facts of record. We calculated a CEP for sales made for the account of the

producer/exporter by an unaffiliated consignment broker in the Untied States after the date of importation. EP and CEP sales were based on the packed, delivered and duty-paid (DDP) U.S. port and C&F U.S. port prices for exportation to the United States. We made deductions from the starting price for discounts and rebates, as well as movement expenses in accordance with section 772(c)(2)(A) of the Act. These include inland freight, international freight, U.S. brokerage, and U.S. duties. We also deducted the amount for billing adjustments from the starting price and added the amount for duty drawback, in accordance with section 772(c)(1)(B) of the Act.

In accordance with section 772(d)(1) of the Act, for CEP sales we deducted from the starting price those selling expenses that were incurred in selling the subject merchandise in the United States, including commissions, direct selling expenses (credit expenses and industry association fees), and indirect selling expenses incurred in the United States by the unaffiliated consignment broker on behalf of the exporter which was charged to the respondent separately from the commission.

Mainstream

We calculated an EP for all of Mainstream's sales because the merchandise was sold directly by Mainstream to the first unaffiliated purchaser in the United States prior to importation, and CEP was not otherwise warranted based on the facts of record. We made deductions from the starting price for movement expenses in accordance with section 772(c)(2)(A) of the Act. These include inland freight, international freight, brokerage and handling, and U.S. customs duties. We also deducted the amount for billing adjustments from the starting price and added duty drawback, in accordance with section 772(c)(1)(B) of the Act.

Mares Australes

During the POR, Mares Australes had both EP and CEP transactions. We calculated an EP for sales where the merchandise was sold directly by Mares Australes to the first unaffiliated purchaser in the Untied States prior to importation, and CEP was not otherwise warranted based on the facts of record. We calculated a CEP for sales made by Mares Australes' affiliated U.S. reseller after importation of the subject merchandise into the United States. We made deductions from the starting price for movement expenses in accordance with section 772(c)(2)(A) of the Act. These include inland freight, customs brokerage fees, international freight, U.S. customs duties and U.S. handling charges. We also added duty drawback, in accordance with section 772(c)(1)(B) of the Act.

In accordance with section 772(d)(1) of the Act, for CEP sales we deducted from the starting price those selling expenses that were incurred in selling the subject merchandise in the United States, including direct selling expenses (including credit expenses and miscellaneous direct selling expenses), and indirect selling expenses incurred by the affiliated reseller in the United States. We also deducted from CEP an amount for profit in accordance with section 772(d)(3) of the Act.

Multiexport

During the POR, Multiexport made both EP and CEP transactions. We calculated an EP for sales where the merchandise was sold directly by Multiexport to the first unaffiliated purchaser in the United States prior to importation, and CEP was not otherwise warranted based on the facts of record. We calculated a CEP for sales made for the account of the producer/exporter by an affiliated reseller in the United States after the date of importation. EP and CEP sales were based on the packed price for exportation to the United States. We made deductions from the starting price for rebates, as well as movement expenses in accordance with section 772(c)(2)(A) of the Act. These include inland freight, international freight, and U.S. duties. We also added the amounts for delivery revenues and for duty drawback, in accordance with section 772(c)(1)(B) of the Act.

In accordance with section 772(d)(1) of the Act, for CEP sales we deducted from the starting price those selling expenses that were incurred in selling the subject merchandise in the United States, including direct selling expenses (including credit expenses and miscellaneous direct selling expenses), and indirect selling expenses incurred by the affiliated reseller in the United States. We also deducted from CEP an amount for profit in accordance with section 772(d)(3) of the Act.

Pacific Star

We calculated an EP for all of Pacific Star's sales because the merchandise was sold directly by Pacific Star to the first unaffiliated purchaser in the United States prior to importation, and CEP was not otherwise warranted based on the facts of record. We made deductions from the starting price for movement expenses in accordance with section 772(c)(2)(A) of the Act. These include inland freight, customs brokerage and handling fees, international freight, U.S. customs duties and U.S. handling charges. We also added duty drawback, in accordance with section 772(c)(1)(B) of the Act.

Pacifico Sur

During the POR, Pacifico Sur made EP transactions. We calculated an EP for sales where the merchandise was sold directly by Pacifico Sur to the first unaffiliated purchaser in the United States prior to importation, and CEP was not otherwise warranted based on the facts of record. EP sales were based on the packed DDP U.S. port and C&F port prices for exportation to the United States. We made deductions from the starting price for movement expenses in accordance with section 772(c)(2)(A) of the Act. These include inland freight, international freight, U.S. brokerage, and U.S. duties. We also added the amount for duty drawback, in accordance with section 772(c)(1)(B) of the Act.

Pesca Chile

During the POR, Pesca Chile made both EP and CEP transactions. We calculated an EP for sales where the merchandise was sold directly by Pesca Chile to the first unaffiliated purchaser in the United States prior to importation, and CEP was not otherwise warranted based on the facts of record. We calculated a CEP for sales made for the account of the producer/exporter by an affiliated reseller in the United States after the date of importation. We made deductions from the starting price for movement expenses in accordance with section 772(c)(2)(A) of the Act. These include inland freight, international freight, U.S. brokerage, and U.S. duties. We also added the amount for duty drawback, in accordance with section 772(c)(1)(B) of the Act.

In accordance with section 772(d)(1) of the Act, for CEP sales, we deducted from the starting price those selling expenses that were incurred in selling the subject merchandise in the United States, including commissions and other direct selling expenses (credit, inspection association fees, and airline service charges). We also deducted from CEP an amount for profit in accordance with section 772(d)(3) of the Act.

Tecmar

We calculated an EP for all of Tecmar's sales because the merchandise was sold directly by Tecmar to the first unaffiliated purchaser in the United States prior to importation, and CEP was not otherwise warranted based on the facts of record. We made deductions from the starting price for movement expenses in accordance with section

772(c)(2)(A) of the Act. These include inland freight, international freight, U.S. brokerage and handling, and U.S. duties. We also added the amount for duty drawback to the starting price, in accordance with section 772(c)(1)(B) of the Act.

Normal Value

A. Selection of Comparison Markets

Based on a comparison of the aggregate quantity of home market sales and U.S. sales by Cultivos Marinos and Eicosal, we determined that the quantity of foreign like product sold in Chile permitted a proper comparison with the sales of the subject merchandise to the United States pursuant to section 773(a)(1)(B) of the Act, because the quantity of sales in the home market was more than five percent of the quantity of sales to the U.S. market. Accordingly, for those two respondents we based NV on home market sales.

Respondents Fiordo Blanco, Linao, Mainstream, Mares Australes, Multiexport, Pacific Star, Pacifico Sur, Pesca Chile, and Tecmar did not have viable home markets, as defined above. Therefore, for these respondents, in accordance with section 773(a)(1)(C) of the Act, we based NV on the price at which the foreign like product was first sold for consumption in each respondent's largest third-country market. For Mainstream, Mares Australes, Multiexport and Pesca Chile, the largest third-country market is Brazil; for Tecmar, the largest third-country market is Argentina and for Fiordo Blanco, the largest third country market is Canada.

Respondents Linao, Pacific Star and Pacifico Sur did not have any viable comparison market. Therefore, in accordance with section 773(e) of the Act, we based NV for these respondents on CV.

We note that on November 14, 2000, the petitioners alleged the existence of particular market situations in the home market, Argentina and Brazil, and argued that the Department should not rely on sales in those markets as the basis for normal value. The allegations were based on the fact that the vast majority of sales by these companies to the United States consisted of fillets, while nearly all of their sales to the home market, Argentina and Brazil consisted of whole salmon. The petitioners also argued that the home, Argentine and Brazilian markets for premium-grade salmon (the grade of salmon principally sold in the United States) were developed only very recently.

We have not accepted these allegations for purposes of the preliminary results of this review. By way of background, we note that the Department examined allegations of particular market situations in both the investigation and the first administrative review. In the investigation, the petitioners alleged that home market sales by two respondents reflected a particular market situation, and the Department agreed, finding that the respondents' home market sales involved almost exclusively off-quality merchandise, which local customers picked up at the producers' facilities for salvage prices. In the first review, the petitioners again filed an allegation that home market sales by certain respondents, as well as sales to Brazil by Mainstream, reflected a particular market situation. The Department disagreed, finding that these respondents had made significant sales of premium-grade salmon to customers with an established demand for such merchandise, and that the markets in question, while established in recent years, provided a legitimate demand for sales of comparable merchandise. *See Notice of Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Review: Fresh Atlantic Salmon from Chile,* 65 FR 48457 (August 8, 2000), at note 2, and the ''Issues and Decision Memorandum for the Final Results of the First Administrative Review of Fresh Atlantic Salmon from Chile'' (dated November 16, 2000), Comment 5, at 7.

In the instant review, we similarly find that the home market and third country sales in question do not reflect a particular market situation. These sales involved premium-grade salmon purchased by customers with a specific demand for such merchandise. The markets in question, while developed more recently than the U.S. market for fresh Atlantic salmon, are legitimate and allow for proper comparisons of U.S. sales to sales of the foreign like product.[4]

[4] We note that during the antidumping investigation, certain respondents had argued that a particular market situation existed in the Japanese market because sales to the market consisted almost entirely of whole salmon, while U.S. sales consisted almost entirely of fillets. The petitioners objected to those arguments, arguing that sales of whole fish constituted sales of the foreign like product, and should be used to calculate normal value regardless of their degree of comparability to sales of fillets. The Department agreed with the petitioners in that case. *See Notice of Final Determination of Sales at Less Than Fair Value: Fresh Atlantic Salmon From Chile,* 63 FR 31411, 31418 (Comment 4).

B. Cost of Production Analysis

Based on timely allegation filed by the petitioners, we initiated a cost of production (COP) investigation of Multiexport, to determine whether sales were made at prices below the COP. *See* Memorandum From Case Analysts to Gary Taverman, dated January 10, 2001. In addition, because we disregarded below-cost sales in the calculation of the final results of the first administrative review of Eicosal and Pacific Star, we had reasonable grounds to believe or suspect that home market sales of the foreign like product by these companies have been made at prices below the COP during the period of the second review. Therefore, pursuant to section 773(b)(1) of the Act, we also initiated COP investigations of sales by Eicosal and Pacific Star.[5]

1. Calculation of COP

In accordance with section 773(b)(3) of the Act, we calculated the weighted-average COP, by model, based on the sum of materials, fabrication, and general expenses. We relied on the submitted COPs except in the specific instances noted below, where the submitted costs were not appropriately quantified or valued.

2. Test of Comparison Market Sales Prices

As required by section 773(b) of the Act, we compared the adjusted weighted-average COP for each respondent subject to a cost investigation of the comparison-market sales prices of the foreign like product, in order to determine whether these sales had been made at prices below the COP within an extended period of time in substantial quantities, and whether such prices were sufficient to permit the recovery of all costs within a reasonable period of time. On a product-specific basis, we compared the revised COP to the comparison-market prices, less any applicable movement charges, taxes, rebates, commissions, and other direct and indirect selling expenses.

3. Results of the COP Test

We disregarded below-cost sales where (1) 20 percent or more of a respondent's sales of a given product were made at prices below the COP and thus such sales were made within an extended period of time in substantial

[5] On January 6, 2001, the petitioners also filed a cost allegation with respect to Pesca Chile. On March 6, 2001, the Department determined that this allegation was inadequate, and did not initiate a cost investigation with respect to that respondent. *See* Memorandum from Case Analyst to Holly Kuga, Acting Deputy Assistant Secretary for Import Administration, dated February 22, 2001.

quantities in accordance with sections 773(b)(2)(B) and (C) of the Act, and (2) based on comparisons of price to weighted-average COPs for the POR, we determined that the below-cost sales of the product were at prices which would not permit recovery of all costs within a reasonable time period, in accordance with section 773(b)(2)(D) of the Act. Eicosal was the only respondent for which we disregarded comparison market sales.

C. Calculation of Normal Value Based on Comparison-Market Prices

We determined price-based NVs for respondent companies as follows. For all respondents, we made adjustments for any differences in packing, in accordance with section 773(a)(6) of the Act, and we deducted movement expenses pursuant to section 773(a)(6)(B)(ii) of the Act. In addition, where applicable, we made adjustments for differences in circumstances of sale (COS) pursuant to section 773(a)(6)(C)(iii) of the Act. We also made adjustments, pursuant to 19 CFR 351.410(e), for indirect selling expenses incurred on comparison-market or U.S. sales where commissions were granted on sales in one market but not in the other (the commission offset).

Company-specific adjustments are described below.

Cultivos Marinos

We based home market prices on the packed, delivered or ex factory prices to unaffiliated purchasers in Chile. We adjusted the starting price for foreign inland freight. We made COS adjustments by deducting direct selling expenses incurred for home market sales (credit) and adding U.S. direct selling expenses (credit). We also deducted home market packing expenses and added U.S. packing expenses.

Eicosal

We based home market prices on the packed, FOB airport or delivered prices to unaffiliated purchasers in Chile. We adjusted the starting price for foreign inland freight. We made COS adjustments by deducting direct selling expenses incurred for home market sales (credit expense) and adding U.S. direct selling expenses (credit expense). We also deducted home market packing expenses and added U.S. packing expenses.

Fiordo Blanco

We based third-country market prices on the packed, FOB port of entry or delivered prices to unaffiliated purchasers in Canada. We adjusted for the following movement expenses: Foreign inland freight, international freight, brokerage and handling charges and U.S. custom fees. We made COS adjustments by deducting direct selling expenses incurred for third-country market sales (including credit and warranty expenses) and adding U.S. direct selling expenses (including credit and warranty expenses). We also added the amount for third-country duty drawback to the starting price. In addition, we deducted third-country packing expenses and added U.S. packing expenses.

Mainstream

We based third-country market prices on the packed, FOB airport prices to unaffiliated purchasers in Brazil. We adjusted for the following movement expenses: Foreign inland freight, international freight, customs fees and airport handling charges. We made COS adjustments by deducting direct selling expenses incurred for third-country market sales (credit) and adding U.S. direct selling expenses (credit). We also added the amount for third-country duty drawback to the starting price. In addition, we deducted third-country packing expenses and added U.S. packing expenses.

Mares Australes

We based third-country market prices on the packed prices to unaffiliated purchasers in Brazil. We adjusted for the following movement expenses: Foreign inland freight, international freight and brokerage and handling. We made COS adjustments by deducting direct selling expenses incurred for third-country market sales (credit and re-packing expenses) and adding U.S. direct selling expenses, including credit. We also added the amount for third-country duty drawback to the starting price. In addition, we deducted third-country packaging expenses and added U.S. packing expenses.

Multiexport

We based third-country market prices on the packed prices to unaffiliated purchasers in Brazil. We adjusted for the following movement expenses: Foreign inland freight, international freight and brokerage and handling. We made COS adjustments by deducting direct selling expenses incurred for third-country market sales, including credit, and adding U.S. direct selling expenses, including credit. We also added the amount for third-country duty drawback to the starting price. In addition, we deducted third-countries packing expenses and added U.S. packing expenses.

Pesca Chile

We based third-country market prices on the packed prices to unaffiliated purchasers in Brazil. We adjusted for the following movement expenses: Foreign inland freight, international freight and brokerage and handling. We made COS adjustments by deducting direct selling expenses incurred for third-country market sales (including credit, airline service charges and inspection expenses). We also added an amount for third-county duty drawback to the starting price. In addition, we deducted third-country packing expending and added U.S. packing expenses.

Tecmar

We based third-country market prices on the packed, FOB plant or C&F port city prices to unaffiliated purchasers in Argentina. We adjusted for the following movement expenses: Foreign inland freight, international freight and brokerage and handling. We made COS adjustments by deducting direct selling expenses incurred for third-country market sales (including credit, quality control, and health certification) and adding U.S. directs expenses (including credit, quality control, and health certification). We also added the amount for third-country duty drawback to the starting price. In addition, we deducted third-country packing expenses and added U.S. packing expenses.

D. Calculation of Normal Value Based on Constructed Value

For those sales for which we could not determine NV based on comparison-market sales because there were no contemporaneous sales of a comparable product in the ordinary course of trade, we compared EP, or CEP, to CV. Section 773(e) of the Act provides that CV shall be based on the sum of the cost of materials and fabrication for the foreign like product, plus amounts for selling, general and administrative expenses (SG&A), profit, and U.S. packing, For Eicosal, Fiordo Blanco, Mares Australes, Multiexport, Pacific Star, and Tecmar, we calculated CV based on the methodology described in the COP section above. In accordance with section 773(e)(2)(A) of the Act, we used the actual amounts incurred and realized by each respondent in connection with the production and sale of the foreign like product, in the ordinary course of trade, for consumption in the comparison market to calculate SG&A expenses and profit. For Linao and Pacifico Sur, which had no comparison market sales, we calculated CV following the same

methodology, except that we relied on the weighted-average SG&A and profit ratios of the two respondents that had a viable home market, consistent with section 773(e)(2)(B)(ii) of the Act.

For price-to-CV comparisons, we made adjustments to CV for COS differences, pursuant to section 773(a)(8) of the Act. Company-specific adjustments are described below.

Eicosal

We made COS adjustments by deducting direct selling expenses incurred for home market sales (credit expense) and adding U.S. direct selling expenses (credit expense).

Fiordo Blanco

We made COS adjustments by deducting direct selling expenses incurred for third-country sales (including credit and warranty expenses) and adding U.S. direct expenses (including credit and re-packing expenses).

Linao

We made COS adjustments by adding U.S. direct selling expenses (including credit, inspection and certification expenses) and deducting the weighted-average direct selling expenses incurred by the two respondents that had a viable home market during the period.

Mares Australes

We made COS adjustments by deducting direct selling expenses incurred for third-country sales (credit, re-packing expenses, and miscellaneous direct selling expenses) and adding U.S. direct selling expenses (credit expenses and miscellaneous direct selling expenses).

Multiexport

We made COS adjustments by deducting direct selling expenses incurred for home market sales (credit expense) and adding U.S. direct selling expenses (credit expense).

Pacific Star

We made COS adjustments by adding U.S. direct selling expenses (including credit and inspection expenses) and deducting the weighted-average direct selling expenses incurred by the two respondents that had a viable home market during the period.

Pacifico Sur

We made COS adjustments by adding U.S. direct selling expenses (including credit and inspection expenses) and deducting the weighted-average direct selling expenses incurred by the two respondents that had a viable home market during the period. Because Pacifico Sur had commissions in the U.S. market, we also adjusted the CV by a commission offset, based on the weighted-average indirect selling expenses incurred by the two respondents that had a viable home market during the period.

Tecmar

We made COS adjustments by deducting direct selling expenses incurred for third-country market sales (credit, quality control, and health certification expenses) and adding U.S. direct selling expenses (credit, quality control, and health certification expenses).

Level of Trade/CEP Offset

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine NV based on sales in the comparison market at the same level of trade as the EP or CEP transaction. The NV level of trade is that of the starting-price sale in the comparison market or, when the NV is based on CV, that of the sales from which we derive SG&A expenses and profit. For EP sales, the U.S. level of trade is also the level of the starting-price sale, which is usually from the export to the importer. For CEP sales, it is the level of the constructed sale from the exporter to the importer.

To determine whether NV sales are at a different level of trade than EP or CEP, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different level of trade, and the difference affects price comparability with U.S. sales, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison-market sales at the level of trade of the export transaction, we make a level-of-trade adjustment pursuant to section 773(a)(7)(A) of the Act. For CEP sales, if the NV level is more remote from the factory than the CEP level and there is no basis for determining whether the difference in the levels between NV and CEP affects price comparability, we adjust NV pursuant to section 773(a)(7)(B) of the Act (the CEP offset provision).

To apply these guidelines in this review, we obtained information from each respondent about the marketing stage involved in its reported U.S. and comparison-market sales, including a description of the selling activities performed by the respondent for each of its channels of distribution. In identifying levels of trade for EP and comparison market sales, we considered the selling functions reflected in the starting price before any adjustments. For CEP sales, we considered only the selling activities reflected in the price after the deduction of expenses and profit pursuant to section 772(d) of the Act. Generally, if the claimed levels of trade are the same, the functions and activities of the seller should be similar. Conversely, if a party claims that levels of trade are different for different groups of sales, the functions and activities of the seller should be dissimilar.

In conducting our level-of-trade analysis for each respondent, we took into account the specific customer types, channels of distribution, and selling practices of each respondent. We found that, for all respondents, the fact pattern was virtually identical. Sales to both the U.S. and comparison markets were made to distributors, retailers, and, less commonly, to further-processors. In all cases, the selling functions performed by the respondents for the different customer types and channels of distribution were very limited, and identical in both markets. Therefore, for all respondents, we found that there was a single level of trade in the United States, and a single, identical level of trade in the comparison market. As such, it was not necessary to make any level of trade adjustments.

Currency Conversion

We made currency conversions into U.S. dollars in accordance with section 773A of the Act, based on exchange rates in effect on the date of the U.S. sale, as certified by the Federal Reserve Bank.

Preliminary Results of Review

As a result of this review, we preliminarily determine that the following weighted-average margins exist for the period July 1, 1999, through June 30, 2000:

Exporter/manufacturer	Weighted-average margin percentage
Cultivos Marinos	[1] 0.02
Eicosal	0.00
Fiordo Blanco	[1] 0.27
Linao	[1] 0.11
Mainstream	[1] 0.02
Mares Australes	0.00
Multiexport	0.00
Pacific Star	0.00
Pacifico Sur	0.00
Pesca Chile	[1] 0.06
Tecmar	0.00

[1] *De minimis.*

The Department will disclose calculations performed within five days

of the date of publication of this notice to the parties of this proceeding in accordance with 19 CFR 351.224(b). An interested party may request a hearing within 30 days of publication of these preliminary results. *See* 19 CFR 351.310(c). Any hearing, if requested, will be held 44 days after the date of publication, or the first working day thereafter. Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication of these preliminary results of review. Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed no later than 37 days after the date of publication. Parties who submit arguments are requested to submit with the argument (1) a statement of the issue, (2) a brief summary of the argument and (3) a table of authorities. Further, we would appreciate it if parties submitting written comments would provide the Department with an additional copy of the public version of any such comments on diskette. The Department will issue the final results of this administrative review, which will include the results of its analysis of issues raised in any such comments, within 120 days of publication of these preliminary results.

Pursuant to 19 CFR 351.212(b), the Department calculated an assessment rate on all appropriate entries. We calculated importer-specific duty assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales for that importer. Where the assessment rate is above *de minimis,* we will instruct the U.S. Customs Service to assess duties on all entries of subject merchandise by that importer.

Cash Deposit Requirements

The following deposit rates will be effective upon publication of the final results of this administrative review for all shipments of fresh Atlantic salmon from Chile entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for companies listed above will be the rate established in the final results of this review, except if the rate is less than 0.5 percent, and therefore *de minimis*, the cash deposit will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be 4.57 percent, the All Others rate established in the LTFV investigation.

These cash deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entities during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: April 2, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–8661 Filed 4–6–01; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–825]

Oil Country Tubular Goods, Other Than Drill Pipe, From Korea: Initiation of New Shipper Antidumping Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of initiation of new shipper antidumping administrative review.

SUMMARY: The Department of Commerce (the Department) has received a request from Shinho Steel Co., Ltd. (''Shinho'') to conduct a new shipper administrative review of the antidumping duty order on oil country tubular goods, other than drill pipe, from Korea, which has an August anniversary date. In accordance with the Department's regulations, we are initiating this administrative review.

EFFECTIVE DATE: April 9, 2001.

FOR FURTHER INFORMATION CONTACT: Michael Strollo, Samantha Denenberg, or Sally Gannon, Office of AD/CVD Enforcement VII, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230; telephone: (202) 482–5255, (202) 482–1386 or (202) 482–0162, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Departments's regulations are to the current regulations, codified at 19 CFR part 351, (April 2000).

Background

On February 28, 2001, the Department of Commerce (the Department) received a timely request, in accordance with section 751(a)(2)(B) of the Act and § 351.214(c) of the Department's regulations, for a new shipper administrative review of the antidumping duty order on oil country tubular goods, other than drill pipe, which has an August anniversary date. On March 5, 2001, the Department received a letter from counsel to petitioners in this proceeding (Maverick Tube Corporation, IPSCO Tubulars, Inc., and Lone Star Steel Company) requesting that the Department ask Shinho if it had made shipments of oil country tubular goods, other than drill pipe, during the period of investigation (POI) under the former name of Korea Steel Pipe. In light of Shinho's certifications, discussed below, the Department has determined that it will address this issue in the context of the new shipper review. If we determine that Shinho does not qualify as a new shipper, we will terminate the review.

Initiation of Review

In its request of February 28, 2001, Shinho certified that it did not export the subject merchandise to the United States during the POI (January 1, 1994 through June 30, 1994), and it is not affiliated with any company which exported subject merchandise to the United States during the POI. Shinho further certified that it has never been affiliated with any exporter or producer who exported the subject merchandise to the United States during the POI. Also, in accordance with 19 CFR

351.214(b)(2)(iv), Shinho submitted documentation establishing (1) the date on which it first shipped the subject merchandise to the United States, (2) the volume of that shipment, and (3) the date of the first sale to an unaffiliated customer in the United States.

In accordance with section 751(a)(2)(B) and 19 CFR 351.214(d), we are initiating a new shipper review of the antidumping duty order on oil country tubular goods, other than drill pipe, from Korea. We intend to issue final results of this review not later than 270 days from the publication of this notice.

Pursuant to § 351.214(g)(1)(i)(B), the standard period of review (POR) in a new shipper proceeding initiated in the month immediately following the semiannual anniversary month is the six-month period immediately preceding the semi-annual anniversary month. However, Shinho requested that the Department extend the normal six-month period by one month. The Department's regulations provide the Department with the discretion to expand the normal POR to include an entry and sale to an unaffiliated customer in the United States of subject merchandise if that expansion of the period would likely not prevent the completion of the review within the time limits set forth in § 351.214(i). *See Antidumping Duties; Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comment,* 61 FR 7308, 7318 (February 27, 1996); *Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27319–20 (May 19, 1997). *See also* 19 CFR 351.214(f)(2)(ii). Because we have determined that the expansion of the period will not likely prevent the completion of the review within the prescribed time limits, we have expanded the semi-annual review period by one month. Therefore, the POR for this review has been defined as August 1, 2000 through February 28, 2001.

Concurrent with publication of this notice, we will instruct the U.S. Customs Service to suspend liquidation of any unliquidated entries of the subject merchandise, and to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the merchandise exported by the company listed above, in accordance with 19 CFR 351.214(e).

Interested parties must submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.214.

Dated: March 30, 2001.

Joseph A. Spetrini,

Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 01–8662 Filed 4–6–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–847]

Persulfates from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce is conducting an administrative review of the antidumping duty order on persulfates from the People's Republic of China in response to requests by the petitioner, FMC Corporation, and Shanghai Ai Jian Import and Export Corporation, an exporter of the subject merchandise. In addition to this respondent, the petitioner also requested a review of Sinochem Jiangsu Wuxi Import and Export Corporation. The period of review is July 1, 1999, through June 30, 2000.

We have preliminarily found that sales of subject merchandise have been made below normal value for only one of the two respondents. If these preliminary results are adopted in our final results of administrative review, we will instruct the Customs Service to assess antidumping duties only on entries subject to this review by this exporter.

EFFECTIVE DATE: April 9, 2001.

FOR FURTHER INFORMATION CONTACT: James Nunno, AD/CVD Enforcement Group I, Office II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0783.

APPLICABLE STATUTE AND REGULATIONS: Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to 19 CFR part 351 (2000).

SUPPLEMENTARY INFORMATION:

Background

On July 20, 2000, the Department published in the **Federal Register** a notice of ''Opportunity to Request an Administrative Review'' of the antidumping duty order on persulfates from the People's Republic of China (PRC) covering the period July 1, 1999 through June 30, 2000. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 65 FR 45035 (July 20, 2000).

On July 31, 2000, in accordance with 19 CFR 351.213(b), the petitioner, FMC Corporation, requested an administrative review of Shanghai Ai Jian Import & Export Corporation (Ai Jian) and Sinochem Jiangsu Wuxi Import & Export Corporation (Wuxi). We also received a request for a review from Ai Jian on July 31, 2000. We published a notice of initiation of this review on September 6, 2000. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part,* 65 FR 53980 (Sept. 6, 2000).

On August 22, 2000, we issued antidumping questionnaires to Ai Jian and Wuxi. The Department received a response from Ai Jian on October 13, 2000. In addition, the Department received a response from Shanghai Ai Jian Reagent Works (AJ Works) (*i.e.,* the producer who supplied the subject merchandise exported by Ai Jian) on October 13, 2000. Wuxi did not respond to the Department's questionnaire.

On October 16, 2000, we issued a letter to Wuxi asking it to indicate whether it intended to participate in this administrative review. On October 23, 2000, Wuxi responded via facsimile indicating that it did not intend to participate.

We issued a supplemental questionnaire to Ai Jian and AJ Works on November 28, 2000.

On December 1, 2000, Ai Jian and the petitioner submitted publicly available information for consideration in valuing the factors of production. On December 8, 2000, the parties submitted rebuttal comments.

On January 19, 2001, Ai Jian and AJ Works submitted responses to the supplemental questionnaire.

We requested additional information concerning packing materials from AJ Works on February 7, 2000. AJ Works responded to our request on February 26, 2000.

Scope of Review

The products covered by this review are persulfates, including ammonium, potassium, and sodium persulfates. The chemical formula for these persulfates are, respectively, $(NH_4)_2S_2O_8$, $K_2S_2O_8$, and $Na_2S_2O_8$. Ammonium and potassium persulfates are currently classifiable under subheading 2833.40.60 of the Harmonized Tariff Schedule of the United States (HTSUS). Sodium persulfate is classifiable under HTSUS subheading 2833.40.20. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this review is dispositive.

Separate Rates

It is the Department's policy to assign all exporters of the merchandise subject to review in non-market-economy (NME) countries a single rate, unless an exporter can demonstrate an absence of government control, both in law and in fact, with respect to exports. To establish whether an exporter is sufficiently independent of government control to be entitled to a separate rate, the Department analyzes the exporter in light of the criteria established in the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China,* 56 FR 20588 (May 6, 1991) (*Sparklers*), as amplified in the *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China,* 59 FR 22585 (May 2, 1994) (*Silicon Carbide*). Evidence supporting, though not requiring, a finding of *de jure* absence of government control over export activities includes: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) any other formal measures by the government decentralizing control of companies. With respect to evidence of a *de facto* absence of government control, the Department considers the following four factors: (1) Whether the respondent sets its own export prices independently from the government and other exporters; (2) whether the respondent can retain the proceeds from its export sales; (3) whether the respondent has the authority to negotiate and sign contracts; and (4) whether the respondent has autonomy from the government regarding the selection of management. *See Silicon Carbide,* 59 FR at 22587; *see also Sparklers,* 56 FR at 20589.

With respect to Ai Jian, for purposes of our final results covering the period of review (POR) July 1, 1998, through June 30, 1999, the Department determined that there was an absence of *de jure* and *de facto* government control of its export activities and determined that it warranted a company-specific dumping margin. *See Persulfates From the People's Republic of China: Final Results of Antidumping Administrative Review and Partial Rescission of Administrative Review,* 65 FR 46691, 46692 (July 31, 2000) (*Persulfates Second Review Final*). For purposes of this POR, Ai Jian has responded to the Department's request for information regarding separate rates. We have found that the evidence on the record is consistent with the final results in *Persulfates Second Review Final* and continues to demonstrate an absence of government control, both in law and in fact, with respect to Ai Jian's exports, in accordance with the criteria identified in *Sparklers* and *Silicon Carbide*.

With respect to Wuxi, which did not respond to the Department's questionnaire, we preliminarily determine that this company does not merit a separate rate. The Department assigns a single rate to companies in a non-market economy, unless an exporter demonstrates an absence of government control. We preliminarily determine that Wuxi is subject to the country-wide rate for this case because it failed to demonstrate an absence of government control.

Use of Facts Otherwise Available

On August 22, 2000, the Department sent Wuxi a questionnaire and cover letter, explaining the review procedures, by air mail through FedEx International Airway Bill. A response to the questionnaire, which covered exports to the United States for the POR, was due by October 9, 2000. We did not receive responses by the due date. On October 16, 2000, we sent a follow-up letter regarding the past due date for the questionnaire responses and noting the possibility of relying on facts available. Wuxi replied to this letter indicating that it does not intend to participate in this administrative review. Accordingly, we determine that the use of facts available is appropriate because we have not received a response to the questionnaire.

Section 776(a)(2) of the Act provides that ''if an interested party or any other person (A) withholds information that has been requested by the administering authority; (B) fails to provide such information by the deadlines for the submission of the information or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782 of the Act; (C) significantly impedes a proceeding under this title; or (D) provides such information but the information cannot be verified as provided in section 782(i) of the Act, the administering authority shall, subject to section 782(d) of the Act, use the facts otherwise available in reaching the applicable determination under this title.''

Because Wuxi, which is part of the PRC entity (*see* the ''Separate Rates'' section above), has failed to respond to the original questionnaire and has refused to participate in this administrative review, we find that, in accordance with sections 776(a)(2)(A) and (C) of the Act, the use of total facts available is appropriate for the PRC-wide rate. *See, e.g., Sulfanilic Acid From the People's Republic of China; Final Results of Antidumping Duty Administrative Review,* 65 FR 13366, 13367 (Mar. 13, 2000).

Section 776(b) of the Act provides that, if the Department finds that an interested party ''has failed to cooperate by not acting to the best of its ability to comply with a request for information,'' the Department may use information that is adverse to the interests of the party as facts otherwise available. Adverse inferences are appropriate ''to ensure that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully.'' *See* Statement of Administrative Action (SAA) accompanying the URAA, H.R. Doc. No. 103–316, at 870 (1994). Furthermore, ''an affirmative finding of bad faith on the part of the respondent is not required before the Department may make an adverse inference.'' *See Antidumping Duties; Countervailing Duties: Final Rule,* 62 FR 27296, 27340 (May 19, 1997) (Final Rule). Section 776(b) of the Act authorizes the Department to use as adverse facts available information derived from the petition, the final determination from the less than fair value (LTFV) investigation, a previous administrative review, or any other information placed on the record.

Under section 782(c) of the Act, a respondent has a responsibility not only to notify the Department if it is unable to provide requested information, but also to provide a ''full explanation and suggested alternative forms.'' Wuxi failed to respond to our questionnaire, thereby failing to comply with this provision of the statute. Therefore, we determine that this respondent failed to cooperate to the best of its ability, making the use of an adverse inference appropriate. In this proceeding, in accordance with Department practice, as adverse facts available we have preliminarily assigned Wuxi and all

other exporters subject to the PRC-wide rate the rate of 119.02 percent, which is the current PRC-wide rate, established in the LTFV investigation, and the highest dumping margin determined in any segment of this proceeding. *See Fresh Garlic From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review,* 64 FR 39115 (July 21, 1999), unchanged in the Department's final results at 65 FR 33295 (May 23, 2000). The Department's practice when selecting an adverse rate from among the possible sources of information is to ensure that the margin is sufficiently adverse ''as to effectuate the purpose of the facts available role to induce respondents to provide the Department with complete and accurate information in a timely manner.'' *See Static Random Access Memory Semiconductors from Taiwan; Final Determination of Sales at Less than Fair Value,* 63 FR 8909, 8932 (Feb. 23, 1998). The Department also considers the extent to which a party may benefit from its own lack of cooperation in selecting a rate. *See Roller Chain, Other than Bicycle, from Japan; Notice of Final Results and Partial Rescission of Antidumping Duty Administrative Review,* 62 FR 60472, 60477 (Nov. 10, 1997). It is reasonable to assume that if Wuxi could have demonstrated that its actual dumping margin was lower than the PRC-wide rate established in the LTFV investigation, it would have participated in this review and attempted to do so.

Section 776(c) of the Act provides that, where the Department selects from among the facts otherwise available and relies on ''secondary information,'' the Department shall, to the extent practicable, corroborate that information from independent sources reasonably at the Department's disposal. Secondary information is described in the SAA as ''[i]nformation derived from the petition that gave rise to the investigation or review, the final determination concerning the subject merchandise, or any previous review under section 751 concerning the subject merchandise.'' *See* SAA at 870. The SAA states that ''corroborate'' means to determine that the information used has probative value. *See id.* To corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information to be used. Although the petition rate of 119.02 percent constitutes secondary information, the information has already been corroborated in the LTFV investigation and this rate is currently applicable to all PRC exporters that do not have separate rates. Thus, we find that it is reliable. *See Notice of Final Determination of Sales at Less Than Fair Value: Persulfates from The People's Republic of China,* 62 FR 27222, 27224 (May 19, 1997). With respect to the relevance aspect of corroboration, the Department will consider information reasonably at its disposal to determine whether a margin continues to have relevance. Where circumstances indicate that the selected margin is not appropriate as adverse facts available, the Department will disregard the margin and determine an appropriate margin. For example, in *Fresh Cut Flowers from Mexico: Final Results of Antidumping Administrative Review,* 61 FR 6812 (Feb. 22, 1996), the Department disregarded the highest margin in that case as adverse best information available (the predecessor to facts available) because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin. Similarly, the Department does not apply a margin that has been discredited. *See D & L Supply Co.* v. *United States,* 113 F.3d 1220, 1221 (Fed. Cir. 1997) (the Department will not use a margin that has been judicially invalidated); *see also Borden Inc.* v. *United States,* 4 F. Supp. 2d 1221, 1246–48 (CIT 1998) (the Department may not use an uncorroborated petition margin that is high when compared to calculated margins for the POR). None of these unusual circumstances are present here; nor have we any other reason to believe that application of the rate as adverse facts available would be inappropriate for the PRC-wide rate. Moreover, the rate used is the currently applicable PRC-wide rate. Thus, the 119.02 percent margin does have relevance. Accordingly, we have used the petition rate from the LTFV investigation, 119.02 percent, because there is no evidence on the record indicating that the selected margin is not appropriate as adverse facts available.

Export Price

For Ai Jian, we calculated export price (EP) in accordance with section 772(a) of the Act, because the subject merchandise was sold directly to the first unaffiliated purchaser in the United States prior to importation and constructed export price methodology was not otherwise warranted, based on the facts of record. We calculated EP based on packed, CIF U.S. port, or FOB PRC port, prices to unaffiliated purchasers in the United States, as appropriate. We made deductions from the starting price, where appropriate, for ocean freight services which were provided by market economy suppliers. We also deducted from the starting price, where appropriate, an amount for foreign inland freight, foreign brokerage and handling, and marine insurance. As these movement services were provided by NME suppliers, we valued them using Indian rates. For further discussion of our use of surrogate data in an NME proceeding, as well as selection of India as the appropriate surrogate country, see the ''Normal Value'' section of this notice, below.

For foreign inland freight we used price quotes obtained by the Department from Indian truck freight companies in November 1999. These price quotes were used in *Persulfates Second Review Final,* and were also used in the investigation of bulk aspirin from the PRC. *See Persulfates from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review, and Partial Rescission of Administrative Review,* 65 FR 18963, 18966 (Apr. 10, 2000) (*Persulfates Second Review Preliminary Results*), followed in *Persulfates Second Review Final; Notice of Preliminary Determination of Sales at Less Than Fair Value: Bulk Aspirin From the People's Republic of China,* 65 FR 116, 118 (Jan. 3, 2000). For foreign brokerage and handling expenses, we used public information reported in the new shipper review of stainless steel wire rod from India. *See Certain Stainless Steel Wire Rod From India; Preliminary Results of Antidumping Duty Administrative and New Shipper Reviews,* 63 FR 48184, 48185 (Sept. 9, 1998); the ''Preliminary Results Factors Valuation Memorandum from the Team to the File,'' dated April 2, 2001, at page 6 (*Factors Memorandum*). With respect to marine insurance, Ai Jian asserted that it used a market-economy supplier for its shipments of persulfates. However, based on the submitted information, we could not establish that the insurance charges Ai Jian paid reflect prices set by market-economy carriers. Due to the proprietary nature of the facts underlying our analysis, we cannot discuss them in this forum. For further discussion, see the April 2, 2001, memorandum from the team to the file entitled ''U.S. Price and Factors of Production Adjustments for the Preliminary Results.'' Therefore, in accordance with our practice, we based the marine insurance charges on surrogate values. *See, e.g., Notice of Final Determination of Sales at Less Than Fair Value: Certain Non-Frozen Apple Juice Concentrate from the People's Republic of China,* 65 FR 19873

(Apr. 13, 2000) and accompanying decision memorandum at *Comment 3;* and *Sebacic Acid From the People's Republic of China: Final Results of Antidumping Duty Administrative Review,* 65 FR 49537 (Aug. 14, 2000) and accompanying decision memorandum at *Comment 8.* Accordingly, we valued marine insurance using the June 1998 marine insurance data used in *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Preliminary Results of 1998–1999 Administrative Review, Partial Rescission of Review, and Notice of Intent To Revoke Order in Part,* 65 FR 41944, 41948 (July 7, 2000).[1] We adjusted the values to reflect inflation up to the POR using the wholesale price indices (WPI) published by the International Monetary Fund (IMF).

Normal Value

Section 773(c)(1) of the Act provides that the Department shall determine the normal value (NV) using a factors-of-production methodology if: (1) The merchandise is exported from an NME country; and (2) the information does not permit the calculation of NV using home-market prices, third-country prices, or constructed value (CV) under section 773(a) of the Act.

The Department has treated the PRC as an NME country in all previous antidumping cases. Furthermore, available information does not permit the calculation of NV using home market prices, third country prices, or CV under section 773(a) of the Act. In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by the administering authority. None of the parties to this proceeding has contested such treatment in this review. Therefore, we treated the PRC as an NME country for purposes of this review and calculated NV by valuing the factors of production in a surrogate country.

Section 773(c)(4) of the Act and 19 CFR 351.408 direct us to select a surrogate country that is at a level of economic development comparable to that of the PRC. On the basis of *per capita* gross domestic product (GDP), the growth rate in *per capita* GDP, and the national distribution of labor, we find that India is at a level of economic development comparable to the PRC.[2] *See* Memorandum from Jeffrey May to Louis Apple, dated October 5, 2000.

Section 773(c)(4) of the Act also requires that, to the extent possible, the Department use a surrogate country that is a significant producer of merchandise comparable to persulfates. For purposes of the most recent segment of this proceeding, we found that India was a producer of persulfates based on information submitted by the respondents. *See Persulfates Second Review Preliminary Results,* 65 FR at 18966.[3] For purposes of this administrative review, we continue to find that India is a significant producer of persulfates based on information submitted by both the respondent and the petitioner. We find that India fulfills both statutory requirements for use as the surrogate country and continue to use India as the surrogate country in this administrative review. We have used publicly available information relating to India, unless otherwise noted, to value the various factors of production.

For purposes of calculating NV, we valued PRC factors of production, in accordance with section 773(c)(1) of the Act. Factors of production include, but are not limited to: (1) Hours of labor required; (2) quantities of raw materials employed; (3) amounts of energy and other utilities consumed; and (4) representative capital cost, including depreciation. In examining surrogate values, we selected, where possible, the publicly available value which was: (1) An average non-export value; (2) representative of a range of prices within the POR or most contemporaneous with the POR; (3) product-specific; and (4) tax-exclusive. For a more detailed explanation of the methodology used in calculating various surrogate values, see the *Factors Memorandum.* In accordance with this methodology, we valued the factors of production as follows:

To value ammonium sulfate, caustic soda, and sulfuric acid, we used public information from the Indian publication *Chemical Weekly,* as provided by both the petitioner and the respondent in their December 1, 2000, submissions. For caustic soda and sulfuric acid, because price quotes reported in *Chemical Weekly* are for chemicals with a 100 percent concentration level, we made chemical purity adjustments according to the particular concentration levels of caustic soda and sulfuric acid used by AJ Works. Where necessary, we adjusted the values reported in *Chemical Weekly* to exclude sales and excise taxes. For potassium sulfate and anhydrous ammonia, we relied on import prices contained in the March 1999 issue of *Monthly Statistics of the Foreign Trade of India (Monthly Statistics*), as provided by the respondent in its December 1, 2000, submission. For those values not contemporaneous with the POR, we adjusted for inflation using the WPI published by the IMF.

During the POR, AJ Works self-produced ammonium persulfates, which is a material input in the production of potassium and sodium persulfates. In order to value such ammonium persulfates, we calculated the sum of the materials, labor, and energy costs for ammonium persulfates based on the usage factors submitted by AJ Works on October 13, 2000, and January 19, 2001. Consistent with our methodology used in *Persulfates Second Review Final,* we then applied this value to the reported consumption amounts of ammonium persulfates used in the production of potassium and sodium persulfates.

We valued labor based on a regression-based wage rate, in accordance with 19 CFR 351.408(c)(3).

For electricity, we derived a surrogate value based on 1998/1999 electricity price data published by Tata Energy Research Institute. These data were used in the antidumping duty administrative review of manganese metal from the PRC. *See Notice of Final Results of Antidumping Duty Administrative Review of Manganese Metal from the People's Republic of China,* 66 FR 15076 (Mar. 15, 2001) and accompanying decision memorandum at *Comment 10.* We adjusted the values to reflect inflation up to the POR using the electricity-specific price index published by the Reserve Bank of India.

To value water, we relied on public information reported in the October 1997 publication of *Second Water Utilities Data Book: Asian and Pacific Region.* To value coal, we relied on import prices contained in the March 1999 issue of *Monthly Statistics.* We adjusted the values to reflect inflation up to the POR using the WPI published by the IMF.

For the reported packing materials—polyethylene bags, woven bags, polyethylene sheet/film and liner, fiberboard, and paper bags—we relied upon Indian import data from the March 1999 issue of *Monthly Statistics.* For wood pallets, we relied upon Indonesian import data from the December 1998 issue of *Monthly*

[1] This was unchanged in the final results. *See, Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Final Results of 1998–1999 Administrative Review, Partial Rescission of Review, and Determination Not To Revoke Order in Part,* 66 FR 1953 (Jan. 10, 2001). (*TRBs 1998–1999 Final Results*).

[2] We also find that Indonesia is at a level of economic development comparable to the PRC.

[3] This finding was unchanged in the final results. *See Persulfates Second Review Final.*

Statistics because the submitted Indian data on this material were unreliable as a surrogate value. The data for wood pallets was submitted by the respondent in its December 8, 2000, submission, and used in the recently completed administrative review of tapered roller bearings and parts thereof, finished and unfinished, from the PRC. *See TRBs 1998–1999 Final Results,* 66 FR at 1955 and accompanying decision memorandum at *Comment 10.* We adjusted the Indian rupee values to reflect inflation up to the POR using the WPI published by the IMF. We also adjusted the U.S. dollar value for wood pallets to reflect inflation (or deflation, as appropriate) using the producer price indices published by the IMF.

We made adjustments to account for freight costs between the suppliers and AJ Works' manufacturing facilities for each of the factors of production identified above. In accordance with our practice, for inputs for which we used CIF import values from India or Indonesia, we calculated a surrogate freight cost using the shorter of the reported distances either from the closest PRC ocean port to the factory or from the domestic supplier to the factory. *See Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate From the People's Republic of China,* 62 FR 61964, 61977 (Nov. 20, 1997) and the Court of Appeals for the Federal Circuit's decision in *Sigma Corp.* v. *United States,* 117 F.3d 1401 (Fed. Cir. 1997).

To value truck freight, we used price quotes obtained by the Department from Indian truck freight companies in November 1999, as described in the ''Export Price'' section above. We adjusted the values to reflect inflation up to the POR using the WPI published by the IMF.

For factory overhead, selling, general, and administrative expenses (SG&A), and profit, we relied on the financial statements of Calibre Chemicals Pvt. Limited (Calibre), an Indian producer of potassium persulfates and other chemicals, which were submitted by the petitioner in its December 1, 2000, submission, because this company is a producer of subject merchandise.

The petitioner also submitted the financial statements of National Peroxide Limited (National Peroxide), a producer of hydrogen peroxide, and asserted that, while the Department should value factory overhead and profit using Calibre's financial data, the Department should use National Peroxide's data to value SG&A. The petitioner argues, as it did in previous segments of this proceeding, that because Calibre produces non-subject merchandise in addition to subject merchandise, its financial data are not representative of persulfates production. However, as we stated in previous segments of this proceeding, we find this approach to be inappropriate and unwarranted. SG&A expenses are not considered to be directly related to the production of merchandise, unlike factory overhead costs. In addition, while we recognize that Calibre's financial data may not mirror the actual experience of AJ Works, this does not render Calibre's data unreliable for purposes of calculating a surrogate SG&A ratio within the context of the Department's NME methodology. Finally, because a company's profit amount is a function of its total expenses, using Calibre's financial data for factory overhead and profit, then using National Peroxide's data for SG&A as proposed by the petitioner, results in applying a profit ratio that bears no relationship to the overhead and SG&A ratios. Therefore, for purposes of these preliminary results, we have continued to rely upon Calibre's financial statements for these values. *See Persulfates From the People's Republic of China: Final Results of Antidumping Review,* 64 FR 69494, 69499–500 (Dec. 13, 1999); *Persulfates Second Review Preliminary Results,* 65 FR at 18967, followed in *Persulfates Second Review Final.*

Consistent with our methodology used in *Persulfates Second Review Final,* we calculated factory overhead as a percentage of the total raw material costs for subject merchandise, as opposed to calculating factory overhead as a percentage of total materials, labor, and energy costs for all products. *See Factors Memorandum* at pages 7–9. We also reclassified certain depreciation expenses from Calibre's financial statements as SG&A expenses. We removed from the profit calculation the excise duties and sales taxes.

Preliminary Results of Review

We preliminarily determine that the following margins exist for the period July 1, 1999, through June 30, 2000:

Manufacturer/exporter	Margin (Percent)
Shanghai Ai Jian Import & Export Corporation	0.00
PRC-Wide Rate	119.02

The Department will disclose to parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice. Interested parties may request a hearing within 30 days of the publication. Any hearing, if requested, will be held 44 days after the publication of this notice, or the first workday thereafter. Interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 35 days after the date of publication of this notice. The Department will publish a notice of the final results of this administrative review, which will include the results of its analysis of issues raised in any such written briefs or at a hearing, within 120 days of the publication of these preliminary results.

The Department shall determine and the Customs Service shall assess antidumping duties on all appropriate entries. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of this review. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review and for future deposits of estimated duties. For assessment purposes, we do not have the information to calculate an estimated entered value. Accordingly, we have calculated importer-specific duty assessment rates for the merchandise by aggregating the dumping margins calculated for all U.S. sales and dividing this amount by the total quantity of those sales. This rate will be assessed uniformly on all entries of that particular importer made during the POR.

Furthermore, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for Ai Jian will be that established in the final results of this administrative review; (2) for a company previously found to be entitled to a separate rate and for which no review was requested, the cash deposit rate will be the rate established in the most recent review of that company; (3) the cash deposit rate for all other PRC exporters, including Wuxi, will be 119.02 percent, the PRC-wide rate established in the LTFV investigation; and (4) the cash deposit rate for a non-PRC exporter of subject merchandise from the PRC will be the rate applicable to the PRC supplier of that exporter. These requirements, when imposed, shall remain in effect until

publication of the final results of the next administrative review.

Notification of Interested Parties

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: April 2, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–8660 Filed 4–6–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–535–001]

Cotton Shop Towels From Pakistan: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Countervailing Duty Administrative Review.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty order on certain cotton shop towels from Pakistan for the period January 1, 1999, through December 31, 1999. For information on the net subsidy for the reviewed companies, please see the ''Preliminary Results of Review'' section of this notice. If the final results remain the same as these preliminary results of administrative review, we will instruct the U.S. Customs Service (Customs) to assess countervailing duties as detailed in the ''Preliminary Results of Review'' section of this notice. Interested parties are invited to comment on these preliminary results. (*See* the ''Public Comment'' section of this notice). In accordance with 19 CFR 351.213(d)(1), the Department is also rescinding this review with regard to Aqil Textile Industries (Aqil).

EFFECTIVE DATE: April 9, 2001.

FOR FURTHER INFORMATION CONTACT: Gayle Longest at (202) 482–3338 or Mark Young at (202) 482–6397, AD/CVD Enforcement Office VI, Group II, Import Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230

SUPPLEMENTARY INFORMATION:

Background

On March 9, 1984, the Department published in the **Federal Register** (49 FR 8974) the countervailing duty order on certain cotton shop towels from Pakistan. On March 16, 2000, the Department published a notice of ''Opportunity to Request an Administrative Review'' (65 FR 14242) of this countervailing duty order. We received a timely request for review from Mehtabi Towel Mills Ltd. (Mehtabi), Shahi Textiles (Shahi), Silver Textile Factory (Silver), Universal Linen (Universal), United Towel Exporters (United), R.I. Weaving (R.I.), Fine Fabrico (Fabrico), Ejaz Linen (Ejaz), Quality Linen Supply Corp. (Quality), Jawwad Industries (Jawwad), Ahmed & Co. (Ahmed), and Aqil, the initial respondent companies in this proceeding. On May 1, 2000, the Department published a notice of initiation of administrative review of the countervailing duty on cotton shop towels from Pakistan, covering the period January 1, 1999 through December 31, 1999 (65 FR 25303).

On December 1, 2000, we extended the period for completion of the preliminary results pursuant to section 751(a)(3) of the Tariff Act of 1930, as amended (the Act). *See Certain Cotton Shop Towels From Pakistan: Extension of Time Limit for Preliminary Results of Countervailing Duty Administrative Review* (65 FR 75242).

On February 28, 2001, we received a request to withdraw from the administrative review from Aqil. The applicable regulation, 19 CFR 351.213(d)(1), states that if a party that requested an administrative review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review, the Secretary will rescind the review. Although the request for recession was made after the 90 day deadline, in accordance with 19 CFR 351.213(d)(1), the Secretary may extend this time limit if the Secretary decides it is reasonable to do so. Due to the fact that Aqil was the only party to make a request for its administrative review, we find it reasonable to accept the party's withdrawal of its request for review. Moreover, we have received no other comments by any other parties regarding Aqil's request for withdrawal from the administrative review. Therefore, we are rescinding this review of the countervailing duty order on cotton shop towels for Aqil covering the period January 1, 1999, through December 31, 1999.

In accordance with 19 CFR 351.213(b), this review covers only those producers or exporters for which a review was specifically requested. The companies subject to this review are the companies listed above, with the exception of Aqil. This review covers seven programs.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930 (the Act), as amended, are references to the provisions of effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are references to the provisions codified at 19 CFR part 351 (2000).

Scope of Review

The merchandise subject to this review is cotton shop towels. The product covered in this review is provided for under item number 6307.10.20 of the *Harmonized Tariff Schedule of the United States* (HTSUS). The HTSUS subheadings are provided for convenience and Customs purposes. The written description of the scope of this proceeding is dispositive.

Attribution of Subsidies

Section 351.525 of the CVD Regulations states that the Department will attribute subsidies received by two or more corporations to the products produced by those corporations where cross-ownership exists. According to section 351.525(b)(6)(vi) of the CVD Regulations, cross-ownership exists between two or more corporations where one corporation can use or direct the individual assets of the other corporation(s) in essentially the same ways it can use its own assets. In this review, we found that several of the respondent firms belonged to family-owned company-groups; (*i.e.,* the same family owns companies A, B, and C). All of these family companies produce and export the subject merchandise. Moreover, in most cases these firms share the same physical facilities,

administrative services, and marketing services.

On the basis of the above facts, combined with the fact that these family-owned and controlled companies produce the subject merchandise, we preliminarily determine that loans under the export financing scheme and the sales tax rebates, programs previously found countervailable by the Department, are attributable to the total sales of exports to the United States of that group of family-related firms and to the total export sales of that group of family-owned firms, respectively. This conforms with section 351.525(b)(6)(ii) of the Department's CVD regulations, which explicitly states that if two (or more) corporations with cross-ownership produce the subject merchandise, the Secretary will attribute the subsidies received by either or both corporations to the products produced by both corporations.

We preliminarily determine that cross-ownership exists between the following family related companies: (1) Mehtabi/Quality/Fabrico/Ejaz; (2) United/R.I./Universal; and (3) Ahmed/Shahi. Therefore, we have calculated one rate for each of these family-owned corporate groups and have applied that rate to each of the member companies.

Use of Facts Available

The respondents have failed to adequately respond to the Department's initial and subsequent questionnaires, with respect to one of the investigated programs, the Income Tax Reduction Program. Sections 776(a)(2)(A) and 776(a)(2)(B) of the Act provide for the use of facts available when an interested party withholds information that has been requested by the Department, or when an interested party fails to provide the information requested in a timely manner and in the form required. As described in more detail below, the respondents have been unable to provide information explicitly requested by the Department; therefore, we must resort to the use of facts otherwise available.

The respondents did not provide the Department with adequate information to calculate a subsidy rate for the Income Tax Reduction Program. Under the Finance Act of 1992 and section 80CC of the Income Tax Ordinance, commercial banks withhold a tax of 0.5 percent on foreign exchange proceeds for all shop towel exports. The amount withheld became the company's final tax liability irrespective of the company's profitability. *See Cotton Shop Towels From Pakistan; Preliminary Results of Countervailing Duty Administrative Reviews,* 61 FR 50273 (September 25 1996) *(1996 Shop Towels)* and *Cotton Shop Towels From Pakistan; Final Results of Countervailing Duty Administrative Reviews,* 62 FR 24082 (May 2, 1997) *(1997 Shop Towels).*

Because the shop towel exporters pay this tax on all export transactions, the exporters are not required to file income tax returns because this export transaction tax is collected in lieu of the payment of income taxes. Under the Department's standard tax methodology, the benefit from the Income Tax Reduction Program would be the difference in the amount of income taxes the company would have paid absent this program. This amount would be the difference in income taxes the company would have paid under Pakistan's corporate tax law and the actual amount of taxes the company paid under the Income Tax Reduction Program. Because the shop towel exporters were not required to file income tax returns, the companies were unable to provide us with the amount of alternative taxes they would have paid under Pakistan's corporate tax law.

Therefore, we had to use facts available to determine the benefit provided to the respondents under this program. As facts available, we used the subsidy rate found for this program in the last administrative reivew conducted for this order which was *1997 Shop Towels.* The subsidy rate calculated for this program in *1997 Shop Towels* serves as a reasonable basis for facts available because the program has not changed and the income tax reduction rate for cotton shop towel exporters has remained constant since that last administrative review. Because the program remains the same and cotton shop towel exports still receive a 0.50 percent tax reduction rate on total export earnings, for these preliminary results, we have utilized the information regarding the benefits earned from these reductions from *1997 Shop Towels.*

Analysis of Programs

I. Programs Preliminarily Determined to Confer Subsidies

A. Export Finance Scheme

The Export Finance Scheme (EFS), which is administered by the State Bank of Pakistan, grants short-term loans at below-market interest rates to exporters. The EFS has two parts. Under Part I, exporters may obtain financing on irrevocable letters of credit or firm export orders. Under Part II, exporters may obtain financing in the form of a credit line based upon the value of the previous year's eligible exports. The Department found this program countervailable in the investigation (*see Cotton Shop Towels from Pakistan: Final Affirmative Countervailing Duty Determination,* 49 FR 1408 (January 11, 1984)) and in all subsequent reviews. There has been no new information or evidence of changed circumstances in this review to warrant reconsideration of this program's countervailability.

During the current review period, cotton shop towel exporters made interest payments on loans obtained under the EFS. The interest rates ranged between 7 percent and 8 percent. Loan terms require payment within a maximum of 180 days. As our benchmark, we used the national average commercial rate for short-term credit which was reported by the Government of Pakistan (GOP). This rate was 13.5 percent in 1999. We used a national average interest rate because we could not calculate company-specific benchmark rates because none of the respondents received short-term loans from commercial sources during the POR.

To calculate the benefit, we took the difference between the actual interest paid and the interest that would have been paid at the rates charged on comparable commercial loans. *See 1997 Shop Towels).* We then divided the benefit derived from the EFS loans by the respective companies' export sales values. On this basis, we preliminarily determine the net subsidy from this program during the period of review to be the following:

Company	Ad valorem rate (percent)
Mehtabi	0.10
Quality	0.10
Fabrico	0.10
Ejaz	0.10
United	3.57
R.I.	3.57
Universal	3.57
Shahi	0.02
Ahmed	0.02
Silver	0.09
Jawwad	0.00

Jawwad did not use this program during the period of review.

B. Sales Tax and Customs Duty Rebate Programs

The Central Bureau of Revenue administers the rebate of sales taxes and customs duties on both domestic and imported inputs used in exported products. The sales tax rebate applicable to cotton shop towels during the review period ranged from 0.14 percent *ad valorem* to 7.23 percent *ad valorem,* and the customs duty rebate applicable to

cotton shop towels during the review period was 1.70 percent *ad valorem* for all producers/exporters. All rebates are calculated on the f.o.b. value of the total exports. In the investigation and subsequent reviews, we found these programs countervailable because the GOP failed to establish the requisite linkage and comparison between taxes paid and rebates provided. In this review, the GOP did not provide new information to establish the required linkage between the rebates given and the indirect tax incurred. Therefore, we preliminarily determine that the GOP pays these rebates without regard to specific taxes incurred in the production of shop towels and that the full amount of these rebates are countervailable because these rebates are contingent upon export performance. *See Preliminary Results of Countervailing Duty Administrative Review: Cotton Shop Towels from Pakistan,* 58 FR 32104 (June 8, 1993) and *Final Results of Countervailing Duty Administrative Review: Cotton Shop Towels from Pakistan,* 58 FR 48038 (September 14, 1993).

For the sales tax program and the customs duty rebate program, the cash rebates are earned on a sale-by-sale basis, and a firm can precisely calculate the amount of rebate it will receive for each export sale at the moment the sale is made. Because the amount of these rebates is known at the time of export, we calculate the benefit from this rebate program on an ''as-earned'' basis for all exporters. To calculate the benefit, for the sales tax rebate program, we divided the amount of sales tax rebated to each exporter/manufacturer by their total exports during the 1999 review period. On this basis, we preliminarily determine the benefit from the sales tax rebate to be the following:

Company	Ad valorem rate (percent)
Mehtabi	0.69
Quality	0.69
Fabrico	0.69
Ejaz	0.69
United	0.14
R.I.	0.14
Universal	0.14
Shahi	0.41
Ahmed	0.41
Jawwad	0.08
Silver	7.26

For the customs duty rebate program, we used the rate applicable to cotton shop towels as shown in *The Gazette of Pakistan* the official GOP publication of standard duty drawback notification (SRO–172(I)/99 dated March 1999). This rate is based on an official survey of the imported inputs that are not physically incorporated into the exported product and is calculated on an f.o.b. basis. Imported inputs not physically incorporated include sizing chemicals used in the productions process to stiffen, straighten, and shrink the yarn. The benefit for the customs duty rebate during the 1999 review period for exporters of shop towels is the following:

Company	Ad valorem rate (percent)
All companies	1.70

C. Income Tax Reductions on Export Income

Section 80CC of the Income Tax Ordinance, 1979, as amended by Finance Act, 1999, requires the commercial banks to withhold the income tax at one source from all foreign exchange proceeds. The amount withheld becomes the company's final tax liability irrespective of whether the company is profitable. Eligible exporters continued to receive a tax reduction rate on export earnings. For shop towel exporters, the tax rate was 0.50 percent of total export earnings. This was found countervailable in *1996 Shop Towels* and *1997 Shop Towels.* There has been no new information or evidence of changed circumstances in this review to warrant reconsideration of this program's countervailability.

As explained above in the ''Facts Available'' section of this notice, the respondents did not provide sufficient information regarding the benefits earned from these claimed reductions. Therefore, we were unable to calculate a rate for the shop towels exporters' benefits received from this program, and we assigned, as facts available, a rate of 1.19 percent, the rate calculated in the last administrative review. *See 1997 Shop Towels.* Therefore, we preliminarily determine the net subsidy from this program to be the following:

Company	Ad valorem rate (percent)
All companies	1.19

II. Programs Preliminarily Determined To Be Not Used

A. Rebate of Excise Duty

B. Export Credit Insurance

C. Import Duty Rebates

Preliminary Results of Review

In accordance with 19 CFR 351.221(b)(4)(i), we calculated an individual subsidy rate for each producer/exporter subject to this administrative review. For the period January 1, 1999, through December 31, 1999, we preliminarily determine the net subsidy to be the following:

Company	Ad valorem rate (percent)
Mehtabi	3.68
Quality	3.68
Fabrico	3.68
Ejaz	3.68
United	6.60
R.I	6.60
Universal	6.60
Shahi	3.32
Ahmed	3.32
Jawwad	2.97
Silver	10.24

If the final results of this review remain the same as these preliminary results, the Department intends to instruct Customs to assess countervailing duties at the rates listed above, as a percentage of the f.o.b. invoice price on shipments from the above companies entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

Because the URAA replaced the general rule in favor of a country-wide rate with a general rule in favor of individual rates for investigated and reviewed companies, the procedures for establishing countervailing duty rates, including those for non-reviewed companies, are now essentially the same as those in antidumping cases, except as provided for in section 777A(e)(2)(B) of the Act. The requested review will normally cover only those companies specifically named. *See* 19 CFR 351.213(b). Pursuant to 19 CFR 351.212(c), for all companies for which a review was not requested, duties must be assessed at the cash deposit rate, and cash deposits must continue to be collected, at the rate previously determined. As such, the countervailing duty cash deposit rate applicable to a company can no longer change, except pursuant to a request for a review of that company. *See Federal-Mogul Corporation and The Torrington Company* v. *United States*, 822 F. Supp. 782 (CIT 1993) and *Floral Trade Council* v. *United States*, 822 F. Supp. 766 (CIT 1993). Therefore, the cash deposit rates for all companies except those covered by this review will be unchanged by the results of this review.

We will instruct Customs to continue to collect cash deposits for non-reviewed companies at the most recent company-specific or country-wide rate applicable to the company. Accordingly, the cash deposit rates that will be applied to non-reviewed companies covered by this order are those established in the most recently completed administrative proceeding conducted under the URAA. If such a review has not been conducted, the rate established in the most recently completed administrative proceeding pursuant to the statutory provisions that were in effect prior to the URAA amendments is applicable. These rates shall apply to all non-reviewed companies until a review of a company assigned these rates is requested. In addition, for the period January 1, 1999, through December 31, 1999, the assessment rates applicable to all non-reviewed companies covered by this order are the cash deposit rates in effect at the time of entry.

Public Comment

Pursuant to 19 CFR 351.224(b), the Department will disclose to parties to the proceeding any calculations performed in connection with these preliminary results within five days after the date of the public announcement of this notice. Pursuant to 19 CFR 351.309, interested parties may submit written comments in response to these preliminary results. Unless otherwise indicated by the Department, case briefs must be submitted within 30 days after the date of publication of this notice, and rebuttal briefs, limited to arguments raised in case briefs, must be submitted no later than five days after the time limit for filing case briefs, unless otherwise specified by the Department. Parties who submit argument in this proceeding are requested to provide the Department copies of the public version on disk. Case and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f). Also, pursuant to 19 CFR 351.310, within 30 days of the date of publication of this notice, interested parties may request a public hearing on arguments to be raised in the case and rebuttal briefs. Unless the Secretary specifies otherwise, the hearing, if requested, will be held two days after the date for submission of rebuttal briefs, that is, thirty-seven days after the date of publication of these preliminary results.

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR 351.309(c)(ii), are due. The Department will publish the final results of these administrative reviews, including the results of its analysis of issues raised in any case, or rebuttal brief or at a hearing.

This administrative review is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act (19 USC 1675(a)(1) and 19 USC 1677f(i)(1)). Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: April 2, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–8659 Filed 4–6–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 040201B]

Endangered Species; Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: NMFS has issued permits 1237 and 1273.

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement under the Endangered Species Act (ESA): NMFS has issued a permit to the Walla Walla District of the U.S. Army Corps of Engineers at Walla Walla, WA (Corps), and NMFS has issued permit #1273 to Mr. Chris Ivers of the North Carolina Aquarium Division (NCAD) (1273).

ADDRESSES: The Permits and related documents are available for review in the indicated office, by appointment:

For permit 1273: Endangered Species Division, F/PR3, 1315 East West Highway, Silver Spring, MD 20910 (phone:301–713–1401, fax: 301–713–0376).

For permits 1237: Protected Resources Division, F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232–2737 (phone: 503–230–5400, fax: 503–230–5435).

Documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (phone:301–713–1401).

FOR FURTHER INFORMATION CONTACT: For permit 1273: Terri Jordan, Silver Spring, MD (phone: 301–713-1401, fax: 301–713–0376, e-mail: Terri.Jordan@noaa.gov)

For permit 1237: Robert Koch, Portland, OR (ph: 503–230–5424, fax: 503–230–5435, e-mail: Robert.Koch@noaa.gov).

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Scientific research and/or enhancement permits are issued under Section 10(a)(1)(A) of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

The following species and evolutionarily significant units (ESU's) are covered in this notice:

Fish

Sockeye salmon (*Oncorhynchus nerka*): endangered Snake River (SnR).

Chinook salmon (*O. tshawytscha*): threatened, naturally produced and artificially propagated, SnR spring/summer; threatened SnR fall.

Steelhead (*O. mykiss*): threatened SnR.

Endangered Shortnose Sturgeon (*Acipenser brevirostrum*)

Permits and Modified Permits Issued

Permit 1237

Notice was published on February 16, 2000 (65 FR 7855) that the Corps applied for an enhancement permit (1237). Permit 1237 was issued to the Corps on March 22, 2001. Permit 1237 authorizes the Corps annual takes of ESA-listed juvenile salmon and steelhead associated with transporting juvenile anadromous fish around the dams and past the reservoirs on the mainstem lower Snake and Columbia Rivers in the Pacific Northwest. The purpose of the Corps' Juvenile Fish Transportation Program is to increase juvenile fish survival over the alternative of in-river passage, given current in-river migratory conditions. The collection and transportation of juvenile salmonids is projected to occur approximately March 25 through October 31 each year at Lower Granite, Little Goose, and Lower Monumental Dams on the lower Snake River, and approximately early to mid-June through December 15 each year at McNary Dam on the lower Columbia River. The Corps will load the juvenile fish into aerated trucks and barges for transportation to below Bonneville Dam on the Columbia River. Further handling of the fish does not occur, except for loading via raceways or when the fish are handled for monitoring purposes by Corps personnel or for scientific research purposes by individuals holding separate take authorizations. Annual takes of ESA-listed adult fish associated with handling fallbacks at the juvenile fish transportation facilities are also authorized. Permit 1237 expires on December 31, 2005.

Permit 1273

Notice was published on December 7, 2000 (65 FR 76612) that Mr. Chris Ivers, of NCAD applied for an enhancement permit (1273). NCAD proposes to continue to maintain 17 endangered shortnose sturgeon for the purposes of public education through species enhancement as identified in the Final Recovery Plan for Shortnose Sturgeon. Permit 1273 was issued on March 24, 2001, authorizing take of listed species. Permit 1273 expires March 1, 2006.

Dated: April 3, 2001.

Phil Williams,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–8656 Filed 4–6–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket No. 010327080–1080–01]

RIN 0660–XX12

Request for Comment on Energy, Water and Railroad Service Providers' Spectrum Use Study

AGENCY: National Telecommunications and Information Administration, Commerce.

ACTION: Notice, request for comments.

SUMMARY: Public Law 106–553, making appropriated funds available to the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for fiscal year 2001, contained a provision directing the National Telecommunications and Information Administration (NTIA) to submit to Congress a study of the current and future use of spectrum by providers of energy, water and railroad services to protect and maintain the nation's critical infrastructure.[1] Therefore, NTIA is conducting an investigation of current and future use of radio frequency spectrum in the United States by providers of energy, water and railroad services, and how current and emerging technology trends affect use of the radio spectrum. By this notice and request for comments, NTIA is soliciting the views of the industry and the public on these issues.

DATES: Comments must be received on or before June 8, 2001.

ADDRESSES: The Department invites the public to submit written comments in paper or electronic form. Comments may be mailed to Jeng Mao, Public Safety Program, National Telecommunications and Information Administration, U.S. Department of Commerce, Room 4624, 14th and Constitution Avenue, NW., Washington, DC 20230. Paper submissions should include an electronic version on diskette in ASCII, WordPerfect (please specify version) or Microsoft Word (please specify version) format.

In the alternative, comments may be submitted in electronic form to the following electronic mail address: <utilities@ntia.doc.gov>.

FOR FURTHER INFORMATION CONTACT: Jeng Mao, (202) 501–0342, jmao@ntia.doc.gov, or Marshall Ross, (202) 482–1222, mross@ntia.doc.gov, Public Safety Program, NTIA.

SUPPLEMENTARY INFORMATION:

Background

Energy, water and railroad services are primary components of the nation's critical infrastructure. Processing voice and data information via wireless radio systems is an efficient way to supervise, control and monitor these utilities on a daily basis. It is also an efficient means of communications during situations requiring emergency response. Without adequate radio spectrum, providers of energy, water and railroad services would be unable to address major service interruptions due to natural disaster, equipment malfunctions or in some cases, terrorist activities. Wireless telecommunications are frequently used by utilities to monitor power transmission lines, water pumps and also to send commands to various remote control switches. In addition, some utilities must comply with State statutes requiring them to respond to service interruptions within a specified time period. Interruption of these services could disrupt emergency response efforts and impede law enforcement activities. Furthermore, lack of interoperability can be a major hindrance to mission-critical public safety communications. Multi-jurisdictional coordination between Federal and non-federal entities during crisis situations can be severely impacted because of inadequate radio spectrum.

NTIA is the President's principal adviser on telecommunications and information policy and manages the Federal Government's use of radio spectrum.[2] The Federal Communications Commission (FCC), an independent agency established by the Communications Act of 1934, manages the use of radio spectrum by state and local governments and the private sector, including the energy, water and railroad industries.[3] Public Law 106–553, making appropriated funds available to the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for fiscal year 2001, contained a provision directing the National Telecommunications and Information Administration (NTIA) to submit to Congress a study of the current and future use of spectrum by providers of

[1] See Federal Funding, Fiscal Year 2001, Public Law 106–553, 114 Stat. 2762, 2762A–174 (2000).

[2] 47 U.S.C. 902 (2000).

[3] For example, see the FCC's proceeding to address the requirements of the private land mobile radio community, including the energy, water and railroad industries, for more efficient use of the radio spectrum below 800 MHz, commonly called the ''Refarming Proceeding.'' Documents related to the Refarming Proceeding are available on the FCC's web site at <http://www.fcc.gov/wtb/plmrs/refarmdocs.html>.

energy, water and railroad services to protect and maintain the nation's critical infrastructure.[4] The statute also requires the FCC Chairman to submit a subsequent report to Congress addressing any needs identified in NTIA's study. The statute specifically provides:

[T]he [NTIA] Administrator shall, after consultation with other federal departments and agencies responsible for regulating the core operations of entities engaged in the provision of energy, water and railroad services, complete and submit to Congress, not later than twelve months after date of enactment of this subsection, a study of the current and future use of spectrum by these entities to protect and maintain that nation's critical infrastructure: Provide further, That within six months after the release of this study, the Chairman of the Federal Communications Commission shall submit a report to Congress on the actions that could be taken by the Commission to address any needs identified in the Administrator's study.[5]

Questions for Public Comment

In order to obtain information necessary for NTIA to conduct an assessment of current and future spectrum requirements of providers of energy, water, and railroad services to protect and maintain the nation's critical infrastructure, NTIA seeks public comment on any issue of fact, law, or policy that may inform the agency about spectrum requirements of these industries taking into account growth, new technology, and future applications. Specifically, comments are requested on the questions below.

These questions are designed to assist the public and should not be construed as a limitation on the issues on which public comments may be submitted. Comments should cite the number of the question(s) being addressed. Please provide copies of any studies, research and other empirical data referenced in the comments.

1. How much spectrum is presently available for the energy, water and railroad industries?

2. In which spectrum bands and in which radio services do these industries operate radio communications equipment?

3. What kinds of spectrum-dependent telecommunications equipment are currently being used by the energy, water and railroad industries?

4. Are there non-spectrum dependent alternative technologies or commercial services currently available?

5. What part of the spectrum do the energy, water and railroad industries foresee for possible future use? What is the rationale for these additional spectrum requirements?

6. What non-spectrum dependent communications technologies or commercial alternatives will be available in the future for the energy, water and railroad industries?

Kathy Smith,

Chief Counsel.

[FR Doc. 01–8672 Filed 4–6–01; 8:45 am]

BILLING CODE 3510–60–P

[4] Supra, n. 1.

[5] Id at 2762A–174 to 2762A–175. NTIA is required to submit its report to Congress no later than December 21, 2001.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Denying Entry to Textiles and Textile Products Allegedly Produced in Certain Companies in Taiwan

April 3. 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs directing Customs to deny entry to shipments allegedly manufactured in certain companies in Taiwan.

EFFECTIVE DATE: April 9, 2001.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 12475 of May 9, 1984, as amended.

The U.S. Customs Service has conducted on-site verification of textile and textile product production in a number of foreign countries. Based on information obtained through on-site verifications and from other sources, U.S. Customs has informed CITA that certain companies were illegally transshipping, were closed, or were unable to produce records to verify production. The Chairman of CITA has directed the U.S. Customs Service to issue regulations regarding the denial of entry of shipments from such companies (see **Federal Register** notice 64 FR 41395, published on July 30, 1999). In order to secure compliance with U.S. law, including Section 204 and U.S. customs law, to carry out textile and textile product agreements, and to avoid circumvention of textile agreements, the Chairman of CITA is directing the U.S. Customs Service to deny entry to textiles and textile products allegedly manufactured by Hong Win Trading Company, City Art Printing, Hsu Chun Mei, and Spring Information Industry Co., Ltd. for two years. Customs has informed CITA that these companies were found to have been illegally transshipping, closed, or unable to produce records to verify production.

Should CITA determine that this decision should be amended, such amendment will be published in the Federal Register.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

April 3, 2001.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: The U.S. Customs Service has conducted on- site verification of textile and textile product production in a number of foreign countries. Based on information obtained through on-site verifications and from other sources, U.S. Customs has informed CITA that certain companies were illegally transshipping, were closed, or were unable to produce records to verify production. The Chairman of CITA has directed the U.S. Customs Service to issue regulations regarding the denial of entry of shipments from such companies (see directive dated July 27, 1999 (64 FR 41395), published on July 30, 1999). In order to secure compliance with U.S. law, including Section 204 and U.S. customs law, to carry out textile and textile product agreements, and to avoid circumvention of textile agreements, the Chairman of CITA directs the U.S. Customs Service, effective for goods exported on and after April 9, 2001 and extending through April 8, 2003, to deny entry to textiles and textile products allegedly manufactured by the Taiwanese companies Hong Win Trading Company, City Art Printing, Hsu Chun Mei, and Spring Information Industry Co., Ltd. Customs has informed CITA that these companies were found to have been illegally transshipping, closed, or unable to produce records to verify production.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.01–8615 Filed 4–6–01; 8:45 am]

BILLING CODE 3510–DR–F

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 01–C0006]

Cosco, Inc., a Corporation, and Safety 1st, Inc., a Corporation, Subsidiaries of Dorel U.S.A., Inc., Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of 16 CFR 1118.20(e). Published below is a provisionally-accepted Settlement Agreement with Cosco, Inc., a corporation and Safety 1st, Inc., a corporation, subsidiaries of Dorel U.S.A., Inc., containing a civil penalty of $1,300,000.

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by April 24, 2001.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 01–C0006, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT: Ronald G. Yelenik, Trial Attorney, Office of Compliance and Enforcement, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0626, 1351.

SUPPLEMENTARY INFORMATION:

The text of the Agreement and Order appears below.

Dated: April 2, 2001.

Todd A. Stevenson,

Deputy Secretary.

[CPSC Docket No. 01–C0006]

In the Matter of Cosco, Inc. a corporation, and Safety 1st, Inc. a corporation subsidiaries of Dorel U.S.A., Inc.; Settlement Agreement and Order

(1) This Settlement Agreement, made by and between the staff (''the staff'') of the U.S. Consumer Product Safety Commission (the ''Commission'') and both Cosco, Inc. (''Cosco''), a corporation, and Safety 1st, Inc. (''Safety 1st''), a corporation, in accordance with 16 CFR § 1118.20 of the Commission's Procedures for Investigations, Inspections, and Inquiries under the Consumer Product Safety Act (''CPSA''), is a settlement of the staff allegations set forth below. This settlement is intended to resolve all pending civil penalty matters between Cosco and Safety 1st and the Commission.

The Parties

(2) The Commission is an independent federal regulatory agency responsible for the enforcement of the Consumer Product Safety Act, 15 U.S.C. §§ 2051–2084.

(3) Cosco is a corporation organized and existing under the laws of the State of Indiana with its principal corporate offices located in Columbus, Indiana. Cosco is a subsidiary of Dorel U.S.A., Inc., located in Columbus, Indiana, which is, in turn, a subsidiary of Dorel Industries, Inc. of Montreal, Canada.

(4) Safety 1st is a corporation organized and existing under the laws of the State of Massachusetts with its principal corporate offices located in Canton, Massachusetts. Since June 2000, Safety 1st has been a subsidiary of Dorel U.S.A., Inc., located in Columbus, Indiana.

Staff Allegations; Cosco Full-Size Metal Cribs

(5) Between January 1995 and May 1997, Cosco manufactured and sold nationwide, approximately 390,000 Full-Size Metal Baby Cribs (''cribs'') in the following models: 10T01, 10T04, 10T05, 10T06, 10T08, 10T14, 10T84, 10T85, 10T94, 10T95, 10M06, 10M84, 10M85, and 10M94.

(6) The cribs are consumer products and Cosco is a manufacturer of consumer products, which were ''distributed in commerce'' as those terms are defined in sections 3(a)(1), (4), (11) and (12) of the CPSA, 15 U.S.C. §§ 2052(a)(1), (4), (11) and (12).

(7) The cribs are defective as designed and produced because the mattress platform may be interchanged with the side rail. In addition, the assembly instructions are defective in that they are not adequately clear to assure that the consumer recognizes the distinction between the side rail and the mattress platform, and/or appreciates the safety significance of substituting one for the other. CPSC standards limit the space between side rail slats to no more than 2⅜ inches to prevent strangulation. 16 CFR 1508.4. If the crib's mattress platform were used as a side rail, the distance between the slats would be more than 5 inches. Spacing this large creates a gap that may entrap an infant, causing serious injury or death.

(8) Between April 13, 1995 and June 27, 1997, Cosco received reports of approximately 47 incidents of cribs being mis-assembled with the mattress platform used as a side rail. Twenty-four of these incidents reported infants becoming entrapped in the spaces of the mattress platform, some by their heads or necks. On June 24, 1997, an eight-month-old infant asphyxiated when he allegedly became wedged between the spaces of the mattress platform, which was being used as a side rail.

(9) During the time period mentioned in paragraph 8, Cosco changed its warning label and assembly instructions. However, Cosco failed to inform consumers about the risk of strangulation created by using the platform as a side rail.

(10) Despite being aware of the information set forth in paragraphs 7 through 9 above, Cosco did not file a written report with the Commission until June 27, 1997, and then, only after the staff asked Cosco to do so.

(11) Although Cosco had obtained sufficient information to reasonably support the conclusion that the cribs contained a defect which could create a substantial products hazard, or created an unreasonable risk of serious injury or death long before June 27, 1997, it failed to report such information to the Commission, as required by section 15(b) of the CPSA. This failure to report violates section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4).

(12) Cosco knowingly committed this failure to report to the Commission, as the term ''knowingly'' is defined in section 20(d) of the CPSA, 15 U.S.C. § 2069(d), and Cosco is subject to civil penalties under section 20 of the CPSA.

Cosco Model ''M'' Crib Mattresses

(13) Between July 1994 and September 1997, Cosco manufactured and sold nationwide, approximately 62,000 Model ''M'' Cribs (Model No's 10M06, 10M84, 10M85 and 10M94) with mattresses measuring 52 inches long, by 27½ inches wide, by 3¾ inches thick (''mattresses'').

(14) The mattresses are consumer products and Cosco is a manufacturer of consumer products, which are ''distributed in commerce'' as those terms are defined in sections 3(a)(1), (4), (11) and (12) of the CPSA, 15 U.S.C. §§ 2052(a)(1), (4), (11) and (12).

(15) The mattresses are defective because the mattresses can easily compress. When a baby stands up in the subject crib, the mattresses can compress and be pushed between the bars on the crib's mattress platform. If this occurs, the baby can slip between the bars on the crib's platform and become entrapped, causing serious injury or death.

(16) Between April 10, 1996 and October 16, 1998, Cosco received reports of approximately 10 incidents of the mattress compressing and causing the infant to slip partially through the bars on the mattress platform, thereby causing some infants to become entrapped. On or about July 18, 1998, an 11-month-old infant died when he fell feet first through an opening in the mattress platform and became entrapped by the neck.

(17) In August 1997, after learning of at least six reports of mattress platform entrapment, Cosco changed the design specifications of the mattresses by increasing the compression from 30 to 42 pounds in an attempt to increase the stiffness of the mattresses and to prevent the mattress from being compressed between the bars on the crib's mattress platform.

(18) Despite being aware of the information set forth in paragraphs 15 through 17 above, Cosco did not fully inform the Commission about the hazard presented by these mattresses until October 16, 1998, and then, only after the staff asked it to do so.

(19) Although Cosco has obtained sufficient information to reasonably support the conclusion that the mattresses contained a defect which could create a substantial product hazard, or created unreasonable risk of serious injury or death, it failed to report such information to the Commission, as required by section 15(b) of the CPSA. By falling to report, Cosco violated section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4).

(20) Cosco knowingly committed this failure to report to the Commission, as the term ''knowingly'' is defined in section 20(d) of the CPSA, 15 U.S.C. 2069(d), and Cosco is subject to civil penalties under section 20 of the CPSA.

Cosco Two Ways Tandem Strollers

(21) Between February 1997 and February 1998, Cosco imported and sold nationwide, approximately 57,000 Two Ways Tandem Strollers, models 01–6744 and 01–645 (''strollers''). Goodbaby Inc. of Jiangsu, China manufactured the strollers. Cosco designed the strollers so that two babies can sit behind one another. Also, the front seat of the stroller reverses so children can ride face-to-face.

(22) The strollers are consumer products and Cosco is a manufacturer of consumer products, which are ''distributed in commerce'' as those terms are defined in sections 3(a)(1), (4), (11) and (12) of the CPSA, 15 U.S.C. 2052(a)(1), (4), (11) and (12).

(23) The strollers are defective because the plastic locks on the folding mechanisms can break during use, causing the strollers to suddenly collapse. If this occurs, infants siting in the strollers can suffer injuries, including head injuries from hitting the pavement. The child's arms, hands or fingers can be cut if they are on the locking mechanism when the stroller collapses.

(24) Between mid-1997 and November 23, 1998, Cosco received approximately 3,000 complaints concerning failure of the locking mechanisms on the strollers, including 250 reports that the stroller collapsed causing 200 injuries to infants. The injuries included head injuries, a fractured forearm, finger and arm lacerations requiring stitches, and bumps, bruises and cuts.

(25) Between February 1998 and October 1998, Cosco redesigned the locking mechanism of the strollers. In February 1998, after receiving a number of complaints from one of its retailers concerning the locking mechanism, Cosco instructed the manufacturer of the strollers to cease production. In late March 1998, the manufacturer began producing strollers with a redesigned locking mechanism. At about the same time, Cosco added a secondary locking mechanism to all strollers in inventory and to those in the inventory of one of its retailers in an attempt to prevent the locking mechanism from failing and to prevent the strollers from collapsing. Later, in June 1998, Cosco offered consumers ''upon request,'' a repair consisting of a secondary locking mechanism to prevent stroller collapse. In October 1998, Cosco sent letters to Spiegel catalog customers who had purchased the strollers and offered to send them the secondary locking mechanism.

(26) Despite being aware of the information set forth in paragraphs 23 through 25 above, Cosco did not inform the Commission about this matter until November 23, 1998, and then, only after the staff asked it to do so.

(27) Although Cosco had obtained sufficient information to reasonably support the conclusion that the strollers contained a defect which could create a substantial product hazard, or created an unreasonable risk of serious injury or death, it failed to report such information to the Commission, as required by section 15(b) of the CPSA. By failing to report Cosco violated section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4).

(28) Cosco knowingly committed this failure to report to the Commission, as the term ''knowingly'' is defined in section 20(d) of the CPSA, 15 U.S.C. § 2069(d), and Cosco is subject to civil penalties under section 20 of the CPSA.

Cosco Arriva and Turnabout Infant Car Seats/Carriers

(29) Between March 1995 and September 1997, Cosco manufactured and sold nationwide, approximately 670,000 rear-facing Arriva and Turnabout Infant Car Seats/Carriers (''carriers''). The Arriva bears the following model numbers: 02–665, 02–729, 02–731, 02–732, 02–733, 02–751, 02–756, and 02–757. The Turnabout model numbers are as follows: 02–758, 02–759, 02–760, 02–761, 02–762, 02–763, 02–764, 02–765, and 02–667. The products are infant carriers that can also be used as a car seat.

(30) The carriers are consumer products and Cosco is a manufacturer of consumer products, which are ''distributed in commerce'' as those terms are defined in sections 3(a)(1), (4), (11) and (12) of the CPSA, 15 U.S.C. 2052(a)(1), (4), (11) and (12).

(31) The carriers are defective because when the carrier portion is used to carry a child, the handle locks on each side of the seat can unexpectedly release, causing the seat to flip forward. If this occurs, the infant can fall to the ground and suffer serious injuries.

(32) Between June 27, 1995 and May 13, 1998, Cosco received reports of approximately 53 incidents involving release of the handle locks of the carriers. Some of these incidents caused injuries to infants. One infant sustained a skull fracture when he fell down the stairs after the handle lock of the carrier failed.

(33) On September 27, 1997, Cosco modified the design of the handle lock lever to strengthen it. At the time, Cosco knew of approximately 44 incidents involving failure of the products' handle locks, some of which involved injuries.

(34) Despite being aware of the information set forth in paragraphs 31 through 33 above, Cosco did not fully inform the Commission about this matter until May 13, 1998, and then, only after the staff asked it to do so.

(35) Although Cosco had obtained sufficient information to reasonably support the conclusion that the carriers contained a defect which could create a substantial product hazard, or create an unreasonable risk of serious injury or death, it failed to report such information to the Commission, as required by section 15(b) of the CPSA. By failing to report, Cosco violated section 19(a)(4) of the CPSA, 15 U.S.C. § 2068(a)(4).

(36) Cosco knowingly committed this failure to report to the Commission, as the term ''knowingly'' is defined in section 20(d) of the CPSA, 15 U.S.C. 2069(d), and Cosco is subject to civil penalties under section 20 of the CPSA.

Cosco Option 5 High Chairs

(37) Between December 1997 and August 2000, Cosco manufactured and sold nationwide, approximately one million Option 5 High Chairs, Model no. 03–286 (''high chairs'').

(38) The high chairs are consumer products and Cosco is a manufacturer of consumer products, which are ''distributed in commerce'' as those terms are defined in sections 3(a)(1), (4), (11) and (12) of the CPSA, 15 U.S.C. 2052(a)(1), (4), (11) and (12).

(39) The high chairs are adjustable and have both recline and upright positions. In the recline position, the high chairs are defective because the seats can separate from the frame and fall to the ground. The high chairs are defective because in the upright position the seats can slip from their set height position to the lowest position or can fall to the ground. Additionally, Cosco sold some seats with a metal restraint anchor that can slip through the back of the seat allowing the child to fall to the ground. When infants and toddlers fall they can suffer head, face and bodily injuries.

(40) Between March 1998 and March 2000, Cosco received reports of approximately 93 incidents of seat slippage or collapse of the high chairs. At least 37 of these incidents caused injuries to infants. Most injuries were to the head or face of the child. In five incidents, the child was monitored for a possible concussion.

(41) In August 1999, Cosco redesigned the high chair in a number of ways. With respect to the upright position, Cosco reinforced the pegs and increased the size of the latch that held the seat in place while in such position. In addition, in lieu of the old safety restraint belt with metal buckle, the firm introduced a revised safety restraint belt with a thick plastic buckle that could not fit through the opening in the seat back. Regarding the recline position, Cosco added some reinforcing ribs to the towel bar, modifying its product assembly instructions to emphasize the need to use the safety handle, and added warnings to the back of the seat to further emphasize this point.

(42) Despite being aware of the information set forth in paragraphs 39 through 41 above, Cosco did not provide any information to the Commission about this matter until May 5, 1999, when our field staff asked for the information during an establishment inspection of the firm.

(43) Although Cosco had obtained sufficient information to reasonably support the conclusion that the high chairs contained a defect which could create a substantial product hazard, or created an unreasonable risk of serious injury death, it failed to report such information to the Commission, as required by section 15(b) of the CPSA. By failing to report, Cosco violated section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4).

(44) Cosco knowingly committed this failure to report to the Commission, as the term ''knowingly'' is defined in section 20(d) of the CPSA, 15 U.S.C. § 2069(d), and Cosco is subject to civil penalties under section 20 of the CPSA.

Safety 1st Mobile 4 Wheelin' Walkers

(45) Between 1998 and 1999, Safety 1st manufactured and sold nationwide, approximately 170,000 Mobile 4 Wheelin' Walkers, Models 45701, 45701A, and 45701B (''walkers'').

(46) The walkers are consumer products and Safety 1st is a manufacturer of consumer products, which are ''distributed in commerce'' as those terms are defined in sections 3(1)(1), (4), (11) and (12) of the CPSA, 15 U.S.C. §§ 2052(a)(1), (4), (11) and (12).

(47) The walkers are traditional baby walkers, designed to look like miniature automobiles, featuring various gadgets such as a telephone, antenna, and steering wheel.

(48) The walkers are defective because young children who use the walkers can be expected to mouth the steering wheel of the walker. A child could get its teeth caught in the hollow underside of the steering wheel. If this should happen, a child's teeth can be pulled out, causing long term damage due to migration of surrounding teeth, and speech impairment and other development disabilities. Safety 1st received reports of at least 6 incidents of children getting their teeth caught in the steering wheel. At least five children lost a tooth in these incidents. In at least 3 of these incidents, children lost 2 or more teeth in this manner.

(49) The walkers are also defective because the buttons on the walker's phone can break off or the telephone pad can become loose, presenting a possible choking hazard to children. Safety 1st received at least 24 reports of the buttons of the phone breaking off or the telephone pad coming loose. At least one child's caregiver found the child with plastic pieces from the phone in its mouth.

(50) The walkers are also defective because the antennas on the walkers are elongated and sharp, and could strike a child in the eye or face. Safety 1st received at least 3 reports of children being poked or bruised by the antenna, including a report of one child being stuck in the eye.

(51) During the time period mentioned in paragraph 45 above, Safety 1st, in an apparent response to some of the aforementioned incidents, made a number of changes to the walkers, including the addition of a revised keypad and phone assembly, as well as the removal of the antenna.

(52) Despite being aware of the information set forth in paragraphs 49 through 51 above, Safety 1st did not file a written report with the Commission until September 22, 1999, regarding the tooth loss hazard presented by the steering wheel. Furthermore, it wasn't until February 22, 2000, in response to a request by the Commission staff, that Safety 1st filed a written report with regard to the hazard presented by the antenna, as well as the choking hazard presented by the buttons of the phone breaking off or the telephone pad coming loose.

(53) Although Safety 1st obtained sufficient information to reasonably support the conclusion that the walkers contained a number of defects which could create a substantial product hazard, or created an unreasonable risk of serious injury or death, it failed to report such information to the Commission, as required by section 15(b) of the CPSA. By failing to comply with section 15(b) of the CPSA, Safety 1st violated section 19(a)(4) of the CPSA, 15 U.S.C. § 2068(a)(4).

(54) Safety 1st knowingly committed this failure to report to the Commission, as the term ''knowingly'' is defined in section 20(d) of the CPSA, 15 U.S.C. 2069(d), and Safety 1st is subject to civil penalties under section 20 of the CPSA.

Safety 1st Wipe Warmers

(55) Between December 1999 and January 2001, Safety 1st manufactured and sold nationwide, approximately 101,000 Wipe Warmers, model number 26133 (''wipe warmers''). The wipe warmer is an electrical appliance used to warm baby wipes.

(56) The wipe warmers are consumer products and Safety 1st is a manufacturer of consumer products, which are ''distributed in commerce'' as those terms are defined in sections 3(a)(1), (4), (11) and (12) of the CPSA, 15 U.S.C. §§ 2052(a)(1), (4), (11) and (12).

(57) The wipe warmers are defective because the bottom of the wipe holding chamber can crack during normal use. If this occurs, moisture from the wipes can drain into the electrical components of the unit and cause an electric shock hazard to a consumer touching the wipes.

(58) Between November 2000 and January 2001, Safety 1st received reports of at least 17 incidents in which the wipe holding chamber cracked. No injuries or shocks have been reported.

(59) In approximately December 2000, Safety 1st made two design changes to the wipe warmer to address the potential for cracking in the wipe holding chamber. Safety 1st thickened the plastic surface on which the wipes sit by 0.6mm. In addition, Safety 1st changed the wipe warmer molding process. Both changes were intended to strengthen the plastic bottom of the wipe warmer to prevent any potential degradation from chemicals used in certain brands of wipes. Safety 1st manufactured approximately 18,000 wipe warmers with the aforementioned design changes. However, Safety 1st did not distribute the products.

(60) Despite being aware of the information set forth in paragraphs 57 through 59 above, Safety 1st did not provide any information to the Commission about this matter until January 22, 2001, and then only after first being requested to do so by the staff.

(61) Although Safety 1st had obtained sufficient information to reasonably support the conclusion that the wipe warmers contained a defect which could create a substantial product hazard, or created an unreasonable risk of serious injury or death, it failed to report such information to the Commission, as required by section 15(b) of the CPSA. Safety 1st violated section 19(a)(4) of the CPSA.

(62) Safety 1st knowingly committed this failure to report to the Commission, as the term ''knowingly'' is defined in section 20(d) of the CPSA, 15 U.S.C. 2069(d), and Safety 1st is subject to civil penalties under section 20 of the CPSA.

Response of Cosco and Safety 1st

(63) Cosco and Safety 1st deny that: (a) The products described in paragraphs 5 through 62, above, contain any defect which could create a substantial product hazard described in section 15(a) of the CPSA, 15 U.S.C. section 2064(a); (b) these products create an unreasonable risk of serious injury or death; (c) they violated the reporting requirements of section 15(b) of the CPSA, 15 U.S.C. section 2064(b), including as that statute is interpreted in 16 CFR part 1115; and (d) that any other violation of law occurred warranting imposition of a civil penalty. Cosco and Safety 1st deny any liability or wrongdoing of any kind.

(64) Cosco and Safety 1st are entering into this Settlement Agreement for settlement purposes only, to avoid incurring additional legal costs and to ''bring closure'' to this matter.

(65) Cosco and Safety 1st further assert as a general matter that they received very few complaints concerning the above-mentioned products relative to the numbers of products in distribution; that they developed product improvements to address the complaints on the various products in question; that they considered the complaints and the reporting requirements of the CPSA; that they made their judgments about reporting in good faith based on their understanding of the requirements of the law; and, that they did not ''knowingly'' violate any reporting requirements.

(66) With respect to the deaths referenced in paragraphs 8 and 16, Cosco denies the staff allegations and further asserts that each incident involved misassembly and misuse of the products in question.

(67) The CPSC staff allegations regarding Safety 1st products detailed in paragraphs 5 through 62 above, occurred prior to Safety 1st's acquisition by Dorel in June, 2000.

Agreement of the Parties

(68) The Commission has jurisdiction over these matters and over Cosco and Safety 1st under the CPSA, 15 U.S.C. 2051–2084. By entering this Settlement Agreement, Cosco is not conceding that the Arriva and Turnabout Infant Car Seat/Carriers are ''consumer products'' within the scope of the Consumer Product Safety Act.

(69) Cosco agrees to pay to the order of the U.S. Treasury a civil penalty in the amount of one million three hundred thousand dollars ($1,300,000) in settlement of this matter. The first payment of six hundred fifty thousand dollars ($650,000) is payable by Cosco within 20 calendar days of receiving service of the final Settlement Agreement and Order. The second and final payment of six hundred fifty thousand dollars ($650,000) is payable by Cosco within one calendar year of the date the first payment is due. If Cosco fails to make a payment on schedule, the unpaid outstanding balance shall accrue and be paid at the federal legal rate of interest under the provisions of 28 U.S.C. 1961(a) and (b).

(70) Safety 1st agrees to pay to the order of the U.S. Treasury a civil penalty in the amount of four hundred fifty thousand dollars ($450,000), in settlement of this matter. The first payment of two hundred twenty five thousand dollars ($225,000) is payable within 20 calendar days of receiving service of the final Settlement Agreement and Order. The second and final payment of two hundred twenty five thousand dollars ($225,000) is payable by Safety 1st within one calendar year of the date the first payment is due. If Safety 1st fails to make a payment on schedule, the unpaid balance of the entire civil penalty shall be due and payable, and interest on the outstanding balance shall accrue and be paid at the federal legal rate of interest under the provisions of 28 U.S.C. 1961(a) and (b).

(71) Cosco and Safety 1st knowingly, voluntarily and completely waive any rights they may have in the above captioned case: (i) To the issuance of a Complaint in this matter; (ii) to an administrative or judicial hearing with respect to the staff's allegations cited herein; (iii) to judicial review or other challenge or contest of the validity of the Settlement Agreement or the commission's Order, (iv) to a determination by the Commission as to whether a violation of section 15(b) of the CPSA, has occurred; (v) to a statement of findings of fact and conclusions of law with regard to the staff's allegations; and (vi) to any claims under the Equal Access to Justice Act.

(72) Upon provisional acceptance of this Settlement Agreement and Order by the Commission, the Commission shall place this Settlement Agreement and Order on the public record and shall publish it in the **Federal Register** in accordance with the procedure set forth in 16 CFR 1118.20(e). If the Commission does not receive any written requests not to accept the Settlement Agreement and order within 15 days, the Settlement Agreement and Order shall be deemed finally accepted on the 16th day after the date it is published in the **Federal Register**, in accordance with 16 CFR 1118.20(f).

(73) This Settlement Agreement and Order becomes effective after its final acceptance by the Commission and service upon Cosco and Safety 1st. Upon final acceptance of this Settlement Agreement by the Commission, the Commission may publicize the terms and basis for the Settlement Agreement and Order, without regard to any restriction under 15 U.S.C. 2055(b).

(74) Cosco and Safety 1st agree to the entry of the attached Order, which is incorporated herein by reference and agree to be bound by its terms. This Settlement Agreement and Order is binding upon Cosco and Safety 1st, their parent, and each of their assigns or successors.

(75) This Settlement Agreement and Order resolves the matters set forth above in paragraphs 5 through 62.

(76) Nothing in this Settlement Agreement and Order shall be construed to preclude the Commission from pursuing a corrective action or other relief not described above.

(77) If, after the effective date hereof, any provision of this Settlement this Agreement and Order is held to be illegal, invalid, or unenforceable under present or future laws effective during the terms of the Settlement Agreement and Order such provision shall be fully severable. The rest of the Settlement Agreement and Order shall remain in full effect, unless the Commission and Cosco and Safety 1st determine that severing the provision materially impacts the purpose of the Settlement Agreement and Order.

(78) This Settlement Agreement and Order shall not be waived, changed, amended, modified, or otherwise altered, except in writing executed by the party against whom such amendment, modification, alteration, or waiver is sought to be enforced, and approved by the Commission.

(79) Agreements, understandings, representations, or interpretations made outside this Settlement Agreement and Order may not be used to vary or contradict its terms. This Settlement Agreement may be used in interpreting the Order.

Dated: March 22, 2001.

By:

Donald March,
Chief Financial Officer, Cosco, Inc. and Safety 1st, Inc.

The Consumer Product Safety Commission.

Alan H. Schoem,
Assistant Executive Director, Office of Compliance.
Eric L. Stone,
Director, Legal Division, Office of Compliance.

Dated: March 23, 2001.

By:

Ronald G. Yelenik,
Trial Attorney, Patricia E. Kennedy, Trial Attorney, Legal Division, Office of Compliance.

Order

Upon consideration of the Settlement Agreement between both Respondent Cosco, Inc., a corporation and Respondent Safety 1st, Inc., a corporation, and the staff of the Consumer Product Safety Commission, and the Commission having jurisdiction over the subject matter and over Cosco, Inc. and Safety 1st, Inc., and it appearing the Settlement Agreement is in the public interest, it is

Ordered, that the Settlement Agreement be, and hereby is, accepted, and it is

Further Ordered, that Cosco, Inc. shall pay to the order of the U.S. Treasury a civil penalty in the amount of one million, three hundred thousand dollars ($1,300,000), payable as follows: six hundred fifty thousand dollars ($650,000) within twenty (20) calendar days after service of this Final Order upon Cosco, Inc., and an additional six hundred fifty thousand dollars ($650,000) within one calendar year of the date the first payment is due.

Further Ordered, that Safety 1st, Inc. shall pay to the order of the U.S. Treasury a civil penalty in the amount of four hundred fifty thousand dollars ($450,000), payable as follows: two hundred twenty five thousand dollars ($225,000) within twenty (20) calendar days after service of this Final Order upon Safety 1st, Inc., and an additional two hundred twenty five thousand dollars ($225,000) within one calendar year of the date the first payment is due.

Upon failing to make payment on schedule, the unpaid balance of the entire civil penalty shall be due and payable, and interest on the outstanding balance shall accrue and be paid at the federal legal rate of interest under the provisions of 28 U.S.C. §§ 1961(a) and (b).

Provisionally accepted and Provisional Order issued on the 2nd day of April, 2001.

By Order of the Commission:

Todd A. Stevenson,
Deputy Secretary, Consumer Product Safety Commission.

[FR Doc. 01–8575 Filed 4–6–01; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

AGENCY: Office of the Secretary, Department of Defense.

ACTION: Notice of Advisory Committee meeting.

SUMMARY: The Defense Science Board Task Force on Managed Information Dissemination Follow-On Initiative will meet in closed session on April 11–12, 2001, at SAIC, 4001 N. Fairfax Drive, Arlington, VA.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting, the Defense Science Board Task Force will review the need and feasibility of a coordinated information dissemination capability within the U.S. Government encompassing tactical, operational, and strategic information. Specifically, they will investigate detailed actionable recommendations with respect to enabling ''channels'' and establishing appropriate ''brand identity''; DoD's role in a U.S. strategic information dissemination capability; policy, legal, and economic issues hindering U.S. capabilities; and identify new and emerging technologies capable of enhancing U.S. capabilities.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II), it has been determined that this Defense Science Board meeting, concerns matters listed in 5 U.S.C. 552b(c)(1), and that accordingly this meeting will be closed to the public.

Due to critical mission requirements and scheduling difficulties, there is insufficient time to provide timely notice required by section 10(a)(2) of the Federal Advisory Committee Act and Subsection 101–6.1015(b) of the GSA Final Rule on Federal Advisory Committee Management, 41 CFR Part 101–6, which further requires publication at least 15 calendar days prior to this meeting.

Dated: April 3, 2001.

L.M. Bynum,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–8625 Filed 4–6–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

National Imagery and Mapping Agency

Privacy Act of 1974; System of Records

AGENCY: National Imagery and Mapping Agency, DoD.

ACTION: Notice to delete systems of records.

SUMMARY: The National Imagery and Mapping Agency is deleting 11 systems of records notices from its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on May 9, 2001 unless comments are received which result in a contrary determination.

ADDRESSES: Comments should be sent to the Office of General Counsel, National Imagery and Mapping Agency, Mail Stop D–10, 4600 Sangamore Road, Bethesda, MD 20816–5003.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Willess, Associate General Counsel, at (301) 227–2953.

SUPPLEMENTARY INFORMATION: The National Imagery and Mapping Agency systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

April 3, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

B0302–21

SYSTEM NAME:

Record of Travel Payments (February 22, 1993, 58 FR 10189).

REASON:

Records are now being maintained under the Defense Finance and Accounting Service Privacy Act system of records notice T7333, Travel Payment System.

B0303–20

SYSTEM NAME:

Compensation Data Request Files (February 22, 1993, 58 FR 10189).

REASON:

Records are now being maintained under the government-wide Privacy Act system of records notice DOL/GOVT–1, Office of Worker's Compensation Programs, Federal Employee's Compensation Act File.

B0401–02

SYSTEM NAME:

Statements of Employment and Financial Interest and Ethics Act Files (February 22, 1993, 58 FR 10189).

REASON:

Records are now being maintained under the government-wide Privacy Act systems of records notices OGE/GOVT–1, Executive Branch Public Financial Disclosure Reports and other Ethics Program Records and OGE/GOVT–2, Confidential Statements of Employment and Financial Interests.

B0401–03

SYSTEM NAME:

Legal Assistance Case Files (July 13, 1995, 60 FR 36124).

REASON:

The NIMA General Counsel no longer provides Legal Assistance to military and civilian personnel assigned to NIMA. Therefore, records have been destroyed.

B0503–04

SYSTEM NAME:

Parking Permit Control Files (February 22, 1993, 58 FR 10189).

REASON:

Records are no longer being maintained and have been destroyed.

B0615–07

SYSTEM NAME:

Safety Awards Files (July 13, 1995, 60 FR 36124).

REASON:

Records are no longer being maintained and have been destroyed.

B1205–05

SYSTEM NAME:

Property Officer Designation Files (February 22, 1993, 58 FR 10189).

REASON:

Records are not retrieved by a personal identifier. Therefore, a Privacy Act system of records is no longer required.

B1205–23

SYSTEM NAME:

Report of Survey Files (February 22, 1993, 58 FR 10189).

REASON

Records are not retrieved by a personal identifier. Therefore, a Privacy Act system of records is no longer required.

B1206–02

SYSTEM NAME:

Self Service Store Authorization Card Files (February 22, 1993, 58 FR 10189).

REASON:

Records are no longer being maintained and have been destroyed.

B1208–06

SYSTEM NAME:

Motor Vehicle Operator's Permits and Qualifications Files (February 22, 1993, 58 FR 10189).

REASON:

Records are no longer being maintained and have been destroyed.

B1211–07

SYSTEM NAME:

Individual Government Transportation Files (February 22, 1993, 58 FR 10189).

REASON:

Records are now being maintained under the government-wide Privacy Act system of records notice GSA/GOVT–4, Contracted Travel Services Programs.

[FR Doc. 01–8626 Filed 4–6–01; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 9, 2001.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Acting Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address *Lauren_Wittenberg@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed

information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: April 3, 2001.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: Reinstatement.

Title: Application for Grants Under Talent Search and Educational Opportunity Centers Programs.

Frequency: Once every four years.

Affected Public: Not-for-profit institutions; Businesses or other for-profit; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 1,300.

Burden Hours: 44,200.

Abstract: The application form is needed to conduct a national competition for the Talent Search and the Educational Opportunity Centers Program for program year 2002–03. These programs provide Federal financial assistance in the form of grants to institutions of higher education, public and private agencies and organizations, combinations of institutions, agencies and organizations and in exceptional cases secondary schools. These grants enable grantees to establish and operate projects designed to provide information regarding careers, financial and academic assistance available for individuals who desire to pursue a program of postsecondary education, and to assist individuals to apply for admission to institutions that offer programs of postsecondary education.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 4050, Regional Office Building 3, Washington, D.C. 20202–4651. Requests may also be electronically mailed to the internet address *OCIO_IMG_Issues@ed.gov* or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at (202) 708–9266 or via his internet address *Joe_Schbuart@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–8564 Filed 4–6–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Student Financial Assistance

[CFDA No.: 84.069]

Leveraging Educational Assistance Partnership and Special Leveraging Educational Assistance Partnership Programs

AGENCY: Department of Education.

ACTION: Notice of the closing date for receipt of State applications for Award Year 2001–2002 funds under the Leveraging Educational Assistance Partnership (LEAP) and Special Leveraging Educational Assistance Partnership (SLEAP) Programs.

Purpose of Program

The LEAP and SLEAP Programs, authorized under Title IV, Part A, Subpart 4 of the Higher Education Act of 1965 as amended (HEA), assist States in providing aid to students with substantial financial need to help them pay for their postsecondary education costs through matching formula grants to States. Under section 415C(a) of the HEA, a State must submit an application to participate in the LEAP and SLEAP Programs through the State agency that administered its LEAP Program as of July 1, 1985, unless the Governor of the State has subsequently designated, and the Department has approved, a different State agency to administer the LEAP Program.

Eligible Applicants

Only the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands may submit an application for funding under the LEAP and SLEAP Programs.

State allotments for each award year are determined according to the statutorily mandated formula under section 415B of the HEA and are not negotiable. A State may also request its share of reallotment, in addition to its basic allotment, which is contingent upon the availability of such additional funds.

In Award Year 2000–2001, 45 States, the District of Columbia, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands received funds under the LEAP Program.

Deadlines for Receipt of Applications

To receive an allotment under the LEAP and SLEAP programs for Award Year 2001–2002, applications submitted electronically must be received by 11:59 p.m. (Eastern time) May 18, 2001. Paper applications must be received by May 15, 2001.

On-Line Application Submitted Electronically

The Financial Partners Channel within Student Financial Assistance has automated the LEAP and SLEAP application process in the Financial Management System (FMS). Applicants are strongly encouraged to use the new web-based form (Form 1288–E OMB 1845–0028) which is available on the FMS LEAP on-line system at the following Internet address: *http://fms.sfa.ed.gov.*

Paper Application Delivered by Mail

States or territories may request a paper version of the application (Form 1288 OMB 1845–0028) by calling Mr. Greg Gerrans, LEAP Program Manager, Student Financial Assistance, Financial Partners Channel at (202) 708–4695. A paper version will be mailed to you. An application sent by mail must be addressed to: Mr. Greg Gerrans, LEAP Program Manager, Financial Partners, U.S. Department of Education, Student Financial Assistance, 7th and D Streets, SW., ROB–3, Room 4616, Washington, DC 20202.

The Department of Education encourages applicants that request to complete a paper application use certified or at least first-class mail when mailing to the Department. Applications that are mailed must be received by the Department on the applicable deadline.

A late applicant cannot be assured that its application will be considered for Award Year 2001–2002 funding.

Paper Applications Delivered by Hand

Applications that are hand-delivered must be taken to Mr. Greg Gerrans, LEAP Program Manager, Financial Partners, U.S. Department of Education, Student Financial Assistance, 7th and D Streets, SW., ROB–3, Room 4616,

Washington, DC. Hand-delivered applications will be accepted between 8 a.m. and 4:30 p.m. daily (Eastern time), except Saturdays, Sundays, and Federal holidays.

Applications that are hand-delivered will not be accepted after 4:30 p.m. on the deadline date.

Applicable Regulations

The following regulations are applicable to the LEAP and SLEAP Programs:

(1) The LEAP and SLEAP Programs regulations in 34 CFR part 692.

(2) The Student Assistance General Provisions in 34 CFR part 668.

(3) Institutional Eligibility under the Higher Education Act of 1965, as amended in 34 CFR part 600.

(4) The Education Department General Administrative Regulations (EDGAR) in 34 CFR 75.60 through 75.62 (Ineligibility of Certain Individuals to Receive Assistance), part 76 (State-Administered Programs), part 77 (Definitions that Apply to Department Regulations), part 79 (Intergovernmental Review of Department of Education Programs and Activities), part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), part 82 (New Restrictions on Lobbying), part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)), part 86 (Drug-Free Schools and Campuses) and part 99 (Family Educational Rights and Privacy Act).

FOR FURTHER INFORMATION CONTACT: Mr. Greg Gerrans, LEAP Program Manager, Financial Partners, U.S. Department of Education, Student Financial Assistance, 7th and D Streets, SW., ROB–3, Room 4616, Washington, DC 20202; telephone (202) 708–4695.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR APPLICATIONS AND FURTHER INFORMATION CONTACT.**

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm

http://www.ed.gov/news.html

To use PDF you must have Adobe Acrobat Reader, which is available free at either of the previous sites. If you have questions about using PDF, call the U.S. Government Printing Office (GPO) toll free at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html.

(Authority: 20 U.S.C. 1070c *et seq.*)

Dated: April 2, 2001.

Greg Woods,

Chief Operating Officer, Student Financial Assistance.

[FR Doc. 01–8679 Filed 4–6–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Los Alamos

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Los Alamos. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register.**

DATES: Wednesday, April 25, 2001: 6:00 p.m.–9:00 p.m.

ADDRESSES: Highlands University, Baca Avenue and Ninth, Las Vegas, New Mexico.

FOR FURTHER INFORMATION CONTACT: Ann DuBois, Northern New Mexico Citizens' Advisory Board, 1640 Old Pecos Trail, Suite H, Santa Fe, NM 87505. Phone (505) 989–1662; fax (505) 989–1752 or e-mail: *adubois@doeal.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

1. Opening Activities 6:00–6:30 p.m.
2. Public Comments 6:30–7:00 p.m.
3. Committee Reports:
   Monitoring and Surveillance
   Waste Management
   Environmental Restoration
   Community Outreach
   Budget
   Bylaws
4. Reports/Presentations
   Environmental Management Budget for FY2002
5. Other Board business will be conducted as necessary

This agenda is subject to change at least one day in advance of the meeting.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ann DuBois at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments at the beginning of the meeting.

Minutes: Minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available at the Public Reading Room located at the Board's office at 1640 Old Pecos Trail, Suite H, Santa Fe, NM. Hours of operation for the Public Reading Room are 9:00 a.m.–4:00 p.m. on Monday through Friday. Minutes will also be made available by writing or calling Ann DuBois at the Board's office address or telephone number listed above. Minutes and other Board documents are on the Internet at: *http:www.nnmcab.org.*

Issued at Washington, DC on April 3, 2001.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 01–8623 Filed 4–6–01; 8:45 am]

BILLING CODE 6405–01–P

DEPARTMENT OF ENERGY

Worker Advocacy Advisory Committee Meeting

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Worker Advocacy Advisory Committee. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770), requires that

notice of this meeting be published in the **Federal Register**.

DATES: Thursday, April 26, 2001, 12:00 noon to 6:30 pm and Friday, April 27, 2001, 9:00 am to 2:00 pm.

ADDRESSES: Loews L'Enfant Plaza Hotel, 480 L'Enfant Plaza, SW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Judy Keating, Executive Administrator, Worker Advocacy Advisory Committee, U.S. Department of Energy, EH–8, 1000 Independence Avenue, SW, Washington, DC 20585, Telephone Number 202–586–7551, E-mail: judy.keating@eh.doe.gov.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: To provide advice to the Director of the Office of Worker Advocacy of the Department of Energy on plans, priorities, and strategies for assisting workers who have been diagnosed with work-related illnesses.

Tentative Agenda:

Welcome and Introduction
Opening Remarks
Subcommittee Reports and Discussion
Status and Direction of DOE Worker Advocacy Efforts
Relationships with Other Federal Agencies
Public Comment
Next Steps/Path Forward

Public Participation: This two-day meeting is open to the public on a first-come, first-serve basis because of limited seating. Written statements may be filed with the committee before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Judy Keating at the address or telephone listed above. Requests to make oral statements must be made and received five days prior to the meeting; reasonable provision will be made to include the statement in the agenda. The Chair of the committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except holidays.

Issued in Washington, DC on April 3, 2001.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 01–8624 Filed 4–6–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–323–000]

East Tennessee Natural Gas Company; Notice of Cashout Report and Refund Plan

April 3, 2001.

Take notice that on March 30, 2001, East Tennessee Natural Gas Company (East Tennessee) tendered for filing its annual cashout report and refund plan for the November 1999 through October 2000 period in accordance with Rate Schedules LMS–MA and LMS–PA. Upon the Commission's approval of the refund plan included in the filing, East Tennessee proposes to refund to its customers $468,646 resulting from cashout operations.

East Tennessee states that copies of the filing were mailed to all affected customers of East Tennessee and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before April 10, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a part must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 19 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–8599 Filed 4–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–336–002]

El Paso Natural Gas Company; Notice of Compliance Filing

April 3, 2001.

Take notice that on March 28, 2001, El Paso Natural Gas Company (El Paso) tendered a proposal that addresses capacity allocation issues on its system in accordance with ordering paragraph (d) of the Federal Energy Regulatory Commission's order issued February 26, 2001 at Docket No. RP99–507–004, et al.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before April 10, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–8588 Filed 4–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–330–000]

El Paso Natural Gas Company; Notice of Revenue Crediting Report

April 3, 2001.

Take notice that on March 30, 2001, El Paso Natural Gas Company (El Paso) tendered for filing its revenue crediting report for the calendar year 2000.

El Paso states that the report details El Paso's crediting of risk sharing revenues for the calendar year 2000 in accordance with Section 25.3 of the General Terms

and Conditions of its Volume No. 1–A Tariff.

El Paso states that copies of the filing has been served upon all intrastate pipeline system transportation customers of El Paso's system and interest state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before April 10, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–8600 Filed 4–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–287–054]

El Paso Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

April 3, 2001.

Take notice that on March 26, 2001, El Paso Natural Gas Company (El Paso) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, to become effective April 1, 2001:

Thirty-Third Revised Sheet No. 30
Twenty-Sixth Revised Sheet No. 31
Ninth Revised Sheet No. 31A

El Paso states that the above tariff sheets are being filed to implement the new negotiated rate contract pursuant to the Commission's Statement of Policy on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines issued January 31, 1996 at Docket Nos. RM95–6–000 and RM96–7–000.

El Paso states that copies of the filing has been served upon all parties of record in this proceeding, interested pipeline system transportation customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–8608 Filed 4–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–320–040]

Gulf South Pipeline Company, LP; Notice of Compliance Filing

April 3, 2001.

Take notice that on March 29, 2001, Gulf South Pipeline Company, LP (Gulf South) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, the following tariff sheets, to become effective April 30, 2001.

First Revised Sheet No. 604
First Revised Sheet No. 605
First Revised Sheet No. 607
First Revised Sheet No. 1415
First Revised Sheet No. 2901
Original Sheet No. 4603
Original Sheet No. 4604
Original Sheet No. 4605
Sheet Nos. 4606–4699 Reserved

Gulf South has filed the above referenced tariff sheets in compliance with the Commission's ''Order Following Technical Conference'' issued March 14, 2001, in Docket No. RP96–320–029.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestant parties to the proceedings. Copies of this filings are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–8607 Filed 4–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–293–000]

Kern River Gas Transmission Company; Notice of Report of Fuel And Lost And Unaccounted-for Gas Factors for 2000

April 3, 2001.

Take notice that on March 28, 2001, Kern River Gas Transmission Company (Kern River) tendered a report supporting its fuel and lost and unaccounted-for gas factors for 2000.

Kern River states that it has served a copy of this filing upon its customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's

Rules and Regulations. All such motions or protests must be filed on or before April 10, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–8590 Filed 4–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–292–000]

Mississippi River Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

April 3, 2001.

Take notice that on March 29, 2001, Mississippi River Transmission Corporation (MRT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the Primary Sheets listed on Appendix A to the filing and the Alternate Tariff Sheet listed on Appendix B to the filing, to become effective May 1, 2001:

MRT states that the proposed changes would increase revenues from jurisdictional service by $9.4 million based on the 12-month period ending November 30, 2000, as adjusted.

MRT states that this filing is made in compliance with the requirements of Article V of the July 25, 1997 Stipulation and Agreement in Docket No. RP96–199–000, which was approved by the Commission in a letter order dated October 21, 1997. That Article requires MRT to make a Section 4 rate filing on or before April 1, 2001. The base period used in this filing is the twelve months ended November 30, 2000 and the test period is the nine months ending August 31, 2001.

MRT is filing primary tariff sheets and alternate tariff sheets. MRT requests that the primary tariff sheets be made effective on May 1, 2001. Under the alternate sheets, MRT proposes to implement market-based rates, terms and conditions under certain circumstances where transportation capacity on MRT is subject to competition. MRT requests authority to implement the alternate sheets as soon as possible in lieu of the primary sheets so that MRT may effectively respond to the competition that it faces. Accordingly, MRT requests that the Commission allow the alternate sheets to become effective on a prospective basis after the Commission's order on the alternate sheets. The tariff sheets also include additional miscellaneous changes to MRT's FERC Gas Tariff. In accordance with Section 154.312(j)(2) of the Commission's regulations, MRT will file Schedules G–1 through G–6 on or before April 13, 2001.

The rates set forth in the primary tariff sheets reflect the continuation of the straight fixed variable (SFV) method for cost classification, allocation and rate design, as envisioned by Section 284.7(e) of the Commission's regulations. The cost of service underlying MRT's rates in the primary tariff sheets is based on actual per book figures for the 12 months ended November 30, 2000 as adjusted for known and measurable changes anticipated to occur during the nine-month period ending August 31, 2001. The primary and alternate tariff sheets include other rate design and tariff changes, such as term-differentiated rates and a mechanism to recover the cost of capacity that is turned back to MRT. Finally, in the primary and alternate tariff sheets, MRT divides its current Field Zone into two separate zones—a North Field Zone and a South Field Zone—for purposes of transportation service. The boundary between the North and South Field Zones will be at MRT's Glendale Compressor Station located in Lincoln County, Arkansas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–8589 Filed 4–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–305–000]

National Fuel Gas Supply Corporation; Notice of Tariff Filing

April 3, 2001.

Take notice that on March 30, 2001, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheet to become effective April 1, 2001.

Thirty Fourth Revised Sheet No. 9

National states that under Article II, Section 2, of the settlement, it is required to recalculate the maximum Interruptible Gathering (''IG'') rate monthly and to charge that rate on the first day of the following month if the result is an IG rate more than 2 cents above or below the IG rate as calculated under Section 1 of Article II. The recalculation produced an IG rate of $1.46 per dth. In addition, Article III, Section 1 states that any overruns of the Firm Gathering service provided by National shall be priced at the maximum IG rate.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party

must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–8592 Filed 4–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–332–000]

Pine Needle LNG Company, LLC; Notice of Proposed Changes in FERC Tarif

April 3, 2001.

Take notice on March 30, 2001 Pine Needle LNG Company, LLC (Pine Needle) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1 First Revised First Revised Tariff Sheet No. 4. The proposed effective date of the enclosed tariff sheet is May 1, 2001.

Pine Needle states that the instant filing is being submitted pursuant to section 18 and section 19 of the General Terms and Conditions (GT&C) of Pine Needle's FERC Gas Tariff. Section 18 of the GT&C of Pine Needle's Tariff states that Pine Needle will file, to be effective each May 1, a redetermination of its fuel retention percentage applicable to storage services. Section 19 of the GT&C of Pine Needle's Tariff provides that Pine Needle will file, also to be effective each May 1, to reflect net changes in the Electric Power (EP) rates.

Pine Needle states that it is serving copies of the instant filing to its affected customers, interested State Commissions and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rule and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–8593 Filed 4–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–315–000]

Reliant Energy Gas Transmission Company; Notice of Revenue Credit Report

April 3, 2001.

Take notice that on March 30, 2001, Reliant Energy Gas Transmission Company (REGT) submitted its Annual Revenue Crediting Filing pursuant to its FERC Gas Tariff, Fifth Revised Volume No. 1, section 5.7(c)(ii)(2)B (Imbalance Cash Out), section 23.2(b)(iv) (IT and SBS Revenue Crediting) and section 23.7 (IT Revenue Credit).

REGT states that its filing addresses the period from February 1, 2000 through January 31, 2001. The IT and FT Cash Balancing Revenue Credits and the IT Revenue Credit for the period reflected in this filing are zero. Since REGT's current tariff sheets already reflect zero Cash Balancing and IT Revenue Credits, no tariff revisions are necessary.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, D.C. 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before April 10, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(ii) and the instructions on the Commission's web site a at http://www.ferc.us/efi.doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–8598 Filed 4–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–316–000]

Reliant Energy Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

April 3, 2001.

Take notice that on March 30, 2001, Reliant Energy Gas Transmission Company (REGT) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following revised tariff sheets to be effective May 1, 2001:

Sixth Revised Sheet No. 5
Sixth Revised Sheet No. 6
Seventh Revised Sheet No. 7

REGT states that the purpose of this filing is to adjust REGT's fuel percentages and Electric Power Costs (EPC) Tracker pursuant to sections 27 and 28 of its General Terms and Conditions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference

Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–8595 Filed 4–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–317–000]

Reliant Energy Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

April 3, 2001.

Take notice that on March 30, 2001, Reliant Energy Gas Transmission Company (REGT) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, proposed to be effective on May 1, 2001.

REGT states that the purpose of this filing is to implement a new service focusing on the Perryville Hub market center.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202) 208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–8596 Filed 4–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–320–000]

Southern Natural Gas Company; Notice of GSR Refund Filing

April 3, 2001.

Take notice that on March 30, 2001, Southern Natural Gas Company (Southern) tendered for filing a refund report which calculates and allocates among its customers $134,498 of GSR amounts overcollected during 2000.

Southern states that copies of the filing were served upon all parties listed on the official service list complied by the Secretary in these proceedings and interested State Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before April 10, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call (202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–8597 Filed 4–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–298–000]

Williams Gas Pipelines Central, Inc.; Notice of Proposed Changes in FERC Gas Tariff

April 3, 2001.

Take notice that on March 29, 2001, Williams Gas Pipelines Central, Inc. (Williams) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets to become effective May 1, 2001:

First Revised Sheet No. 281
First Revised Sheet No. 405
First Revised Sheet No. 406
First Revised Sheet No. 413
First Revised Sheet No. 414
First Revised Sheet No. 421
First Revised Sheet No. 422
First Revised Sheet No. 428
First Revised Sheet No. 429
First Revised Sheet No. 480
First Revised Sheet No. 481
First Revised Sheet No. 482
First Revised Sheet No. 483

Williams states that the purpose of this filing is to allow Williams to contract for minimum delivery pressure obligations with customers where mutually agreeable on a non-discriminatory basis. The filing proposes revised tariff sheets to incorporate an agreed upon pressure commitment, if any, into the service agreements for Williams' TSS, STS, SFT and FTS services, as well as a change to Section 20 of Williams' General Terms and Conditions to allow for the exception of mutually agreed pressure commitments in transport agreements.

Williams states that copies of the revised tariff sheets are being mailed to Williams' jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference

Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–8591 Filed 4–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–314–000]

Williston Basin Interstate Pipeline Company; Notice of Tariff Filing

April 3, 2001.

Take notice that on March 30, 2001, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the revised tariff sheets listed on Appendix A to the filing, to become effective May 1, 2001.

Williston Basin states that, in order to provide its shippers with greater flexibility in managing their transportation and supply needs, Williston Basin is herein proposing to establish a new park and loan service under a new Rate Schedule PAL–1. Williston Basin envisions that the new park and loan service will enable the Company to accommodate the needs of its shippers in a manner not currently available under its existing tariff.

Williston Basin states that copies of the filing is being served upon the parties listed on the service list.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–8593 Filed 4–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–817–001, et al.]

New England Power Company, et al.; Electric Rate and Corporate Regulation Filings

March 30, 2001.

Take notice that the following filings have been made with the Commission:

1. New England Power Company

[Docket No. ER01–817–001]

Take notice that on March 27, 2001, in compliance with the Commission's letter order dated January 26, 2001 and Order No. 614, New England Power Company (NEP), as successor to Montaup Electric Company, tendered for filing a complete revised Service Agreement No. 12 (Eastern Edison Company) under Montaup Electric Company, FERC Electric Tariff, First Revised Volume No. 1.

NEP states that a copy of this filing has been served upon each of the parties that was served by NEP in Docket No. ER01–817–000.

Comment date: April 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. New England Power Company

[Docket No. ER01–820–001]

Take notice that on March 27, 2001, in compliance with the Commission's letter order dated January 26, 2001 and Order No. 614, New England Power Company (NEP) tendered for filing complete revised:

(1) Service Agreement No. 23 between NEP and The Narragansett Electric Company under NEP's FERC Electric Tariff, Original Volume No. 1; and

(2) Service Agreement No. 20 between NEP and Massachusetts Electric Company and Nantucket Electric Company under NEP's FERC Electric Tariff, Original Volume No. 1.

NEP states that a copy of this filing has been served upon each of the parties that was served by NEP in Docket No. ER01–820–000.

Comment date: April 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Pacific Gas and Electric Company

[Docket No. ER01–839–003]

Take notice that on March 27, 2001, Pacific Gas and Electric Company (PG&E) tendered for filing a corrected tariff sheet to its Transmission Owner (TO) Tariff, FERC Electric Tariff Sixth Revised Volume No. 5. These revisions correct the statement of certain revenue requirements accepted for filing in Docket No. ER01–839–000.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: April 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Boston Edison Company

[Docket No. ER01–890–001]

Take notice that on March 27, 2001, Boston Edison Company, tendered for filing an unexecuted Interconnection Agreement with Sithe Mystic Development LLC.

The interconnection Agreement contains appropriate designations as required by Order No. 614.

Comment date: April 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. MidAmerican Energy Company

[Docket No. ER01–985–001]

Take notice that on March 27, 2001, MidAmerican Energy Company (MidAmerican), 401 Douglas Street, P.O. Box 778, Sioux City, Iowa 51102, tendered for filing an amendment with the Commission in compliance with Order 614 a Network Integration Transmission Service Agreement and Network Operating Agreement, designated as 1st Revised Service Agreement No. 53, entered into by MidAmerican and the City of Sergeant Bluff, Iowa, dated December 29, 2000.

The Agreement replaces the Network Integration Transmission Service Agreement and Network Operating Agreement dated April 7, 1997, between the parties.

Comment date: April 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Midwest Energy, Inc.

[Docket No. ER01–1064–001]

Take notice that on March 27, 2001, Midwest Energy, Inc., tendered for filing designations in compliance with the Commission's Order No. 614.

Comment date: May 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Public Service Company of New Mexico

[Docket No. ER96–1551–006]

Take notice that on March 27, 2001, Public Service Company of New Mexico, tendered for filing an amendment to its updated market power analysis originally filed with the Commission on March 26, 2001, in the above referenced proceeding.

Comment date: April 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Pacific Gas and Electric Company

[Docket No. ER01–1623–000]

Take notice that on March 27, 2001, Pacific Gas and Electric Company (PG&E) tendered for filing Amendment No. 6 to PG&E Rate Schedule FERC No. 136, PG&E-Sacramento Municipal Utility District (SMUD) Interconnection Agreement. PG&E also submits annual rate adjustments to transmission service rates for PG&E Rate Schedules FERC Nos. 88, 91 and 136, effective July 1, 2000.

PG&E has also requested a waiver of the Commission's notice requirements to allow the effective dates requested.

Copies of this filing have been served upon SMUD, the California Independent System Operator Corporation and the California Public Utilities Commission.

Comment date: April 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Delmarva Power & Light Company

[Docket No. ER01–1627–000]

Take notice that on March 27, 2001, Delmarva Power & Light Company (Delmarva) tendered for filing a short-form market-based rate tariff, which included a form of umbrella service agreement. The proposed market-based rate tariff does not replace Delmarva's existing market-based rate tariff, FERC Electric Tariff, Third Revised Volume No. 14. Delmarva requests waiver of the Commission's notice of filing requirements to allow the proposed tariff to become effective on March 28, 2001, the day after filing.

Delmarva has served this filing upon Delmarva's customers under its existing market-based rate tariff and the Delaware Public Service Commission, the Maryland Public Service Commission and the Virginia State Corporation Commission.

Comment date: April 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. The Dayton Power and Light Company

[Docket No. ER01–1628–000]

Take notice that on March 27, 2001, The Dayton Power and Light Company (Dayton) tendered for filing service agreements establishing The Dayton Power & Light Company (Energy Services) as customers under the terms of Dayton's Open Access Transmission Tariff.

Dayton requests an effective date of one day subsequent to this filing for the service agreements. Accordingly, Dayton requests waiver of the Commission's notice requirements. Copies of this filing were served upon The Dayton Power & Light Company (Energy Services) and the Public Utilities Commission of Ohio.

Comment date: April 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Atlantic City Electric Company

[Docket No. ER01–1629–000]

Take notice that on March 27, 2001, Atlantic City Electric Company (Atlantic) tendered for filing a short-form market-based rate tariff, which included a form of umbrella service agreement. The proposed market-based rate tariff does not replace Atlantic's existing market-based rate tariff, FERC Electric Tariff, Third Revised Volume No. 1. Atlantic requests waiver of the Commission's notice of filing requirements to allow the proposed tariff to become effective on March 28, 2001, the day after filing.

Atlantic has served this filing upon Atlantic's customers under its existing market-based rate tariff and the State of New Jersey Board of Public Utilities.

Comment date: April 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. New York State Electric & Gas Corporation

[Docket No. ER01–1630–000]

Take notice that on March 27, 2001, New York State Electric & Gas Corporation (NYSEG), tendered for filing pursuant to Section 35.15 of the Commission's Rules, 18 CFR § 35.15 (1999), a Notice of Cancellation of Service Agreement Nos. 1/119 and 1/161. NYSEG requests that the Notice of Cancellation be deemed effective as of September 1, 2000 for Constellation Power Source, Inc. and August 1, 2000 for Morgan Stanley Capital Group, Inc.

To the extent required to give effect to the Notice of Cancellation, NYSEG requests waiver of the notice requirements pursuant to Section 35.15 of the Commission's Rules, 18 CFR § 35.15 (1999).

NYSEG served copies of the Notice of Cancellation on the customers previously receiving service under Service Agreement Nos. 1/119 and 1/161, and the New York State Public Service Commission.

Comment date: April 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Consumers Energy Company

[Docket No. ER01–1631–000]

Take notice that on March 27, 2001, Consumers Energy Company (Consumers) tendered for filing an executed service agreement for unbundled wholesale power service with CMS Marketing, Services and Trading Company pursuant to Consumers' Market Based Power Sales Tariff accepted for filing in Docket No. ER98–4421–000.

Copies of the filing have been served on the Michigan Public Service Commission and the customers under the service agreement.

Comment date: April 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Consumers Energy Company

[Docket No. ER01–1632–000]

Take notice that on March 27, 2001, Consumers Energy Company (Consumers) tendered for filing a Service Agreement with The Dayton Power and Light Company, (Customer) under Consumers FERC Electric Tariff No. 9 for Market Based Sales. Consumers requested that the Agreement be allowed to become effective April 1, 2001.

Copies of the filing were served upon the Customer and the Michigan Public Service Commission.

Comment date: April 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Southern Company—Florida LLC

[Docket No. ER01–1633–000]

Take notice that on March 27, 2001, Southern Company—Florida LLC, tendered for filing an application requesting acceptance of its proposed Market Rate Tariff, waiver of certain regulations, and blanket approvals. The proposed tariff would authorize Southern Company—Florida LLC to engage in wholesale sales of capacity

and energy to eligible customers at market rates.

Comment date: April 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Consumers Energy Company

[Docket No. ER01–1634–000]

Take notice that on March 27, 2001, Consumers Energy Company (Consumers) tendered for filing an executed service agreement for unbundled wholesale power service with First Energy Corp. pursuant to Consumers' Market Based Power Sales Tariff accepted for filing in Docket No. ER98–4421–000.

Copies of the filing have been served on the Michigan Public Service Commission and the customers under the service agreement.

Comment date: April 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. AIG Energy Trading Inc.

[Docket No. ER01–1635–000]

On March 27, 2001, AIG Energy Trading Inc. (Seller) tendered for filing a petition for an order: (1) Accepting Seller's proposed FERC Electric Tariff (Market-Based Rate Tariff); (2) granting waiver of certain requirements under Subparts B and C of Part 35 of the regulations, (3) granting the blanket approvals normally accorded sellers permitted to sell at market-based rates, and (4) granting waiver of the 60-day notice period.

Comment date: April 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Southwest Power Pool, Inc.

[Docket No. ER01–1636–000]

Take notice that on March 27, 2001, Southwest Power Pool, Inc. (SPP) tendered for filing an executed service agreement for Firm Point-to-Point Transmission Service with Western Resources (Transmission Customer). SPP seeks an effective date of May 1, 2001 for this service agreement.

A copy of this filing was served on the Transmission Customer.

Comment date: April 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–8586 Filed 4–6–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1639–000, et al.]

Pacific Gas and Electric Company, et al.; Electric Rate and Corporate Regulation Filings

April 2, 2001.

Take notice that the following filings have been made with the Commission:

1. Pacific Gas and Electric Company

[Docket No. ER01–1639–000]

Take notice that on March 28, 2001, Pacific Gas and Electric Company (PG&E) tendered for filing, proposed amendments to Contract No. 14–06–200–2948A (Contract 2948A), Contract No. DE–AC65–80WP59000 (Delta Contract) and Contract No. DE–MS65–83WP59055 (Cities Contract) between PG&E and the Western Area Power Administration (Western) as filed under PG&E Rate Schedule FERC Nos. 79, 63, and 81. PG&E seeks to amend Contract 2948A: to revise the Energy Rates; apply Scheduling Coordinating costs to Western through a proposed Scheduling Coordinator Cost Pass-Through Rate Appendix; and revise transmission rates for Contract 2948A as well as the Delta and Cities Contracts. PG&E also seeks to pass through Grid Management Charge Pass-Through Tariff costs and Reliability Service Tariff costs to Western in the event Western successfully argues a Contract 2948A, Article 32 bar to applying these tariffs to Western.

Copies of this filing have been served upon the California Independent System Operator Corporation, the California Public Utilities Commission and Western.

Comment date: April 18, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Virginia Electric and Power Company

[Docket No. ER01–1638–000]

Take notice that on March 28, 2001, Virginia Electric and Power Company (Dominion Virginia Power) tendered for filing a Notice of Cancellation for Rate Schedule FERC No. 121, an agreement with Old Dominion Electric Cooperative (Old Dominion) that provides for Old Dominion to compensate Dominion Virginia Power for the use of certain transmission facilities that provide interconnection services to the Clover Generating Station. The parties have mutually agreed to cancel this rate schedule, which results in the elimination of certain charges for Old Dominion. Dominion Virginia Power requests waiver of the Commission's notice requirements to make this cancellation effective April 1, 2001.

Copies of the filing were served upon Old Dominion, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: April 18, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Florida Power & Light Company

[Docket No. ER01–1571–000]

Take notice that on March 16, 2001 Florida Power & Light Company (FPL) tendered for filing proposed service agreements with AXIA Energy LP for Non-Firm transmission service and Firm transmission service under FPL's Open Access Transmission Tariff.

FPL requests that the proposed service agreements become effective on March 16, 2001.

FPL states that this filing is in accordance with Section 35 of the Commission's regulations

Comment date: April 18, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Southern Company Services, Inc.

[Docket No. ER01–1164–001]

Take notice that on March 28, 2001, Southern Company Services, Inc. (SCS), by and on behalf of Alabama Power Company, Georgia Power Company, Mississippi Power Company, Gulf Power Company and Savannah Electric

and Power Company, tendered for filing original tariff sheets compliant with the formatting requirements of Commission Order No. 614, as needed to implement revised accounting procedures accepted on a qualified basis in the above-stated docket.

Comment date: April 18, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Bangor Hydro-Electric Company

[Docket No. ER00–980–003]

Take notice that on March 28, 2001, Bangor Hydro-Electric Company (Bangor Hydro), tendered for filing a compliance filing pursuant to the Commission's February 26, 2001, Order Approving Proposed Settlement as Modified, Bangor Hydro-Elec. Co., 94 FERC ¶ 61,208 (Feb. 26, 2001).

Comment date: April 18, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Seminole Electric Cooperative, Inc.

[Docket No. OA97–140–003]

Take notice that on March 23, 2001, Seminole Electric Cooperative, Inc. (Seminole), submitted a report in compliance with the Commission's letter order of February 21, 2001, in this docket.

Seminole has served a copy of the compliance filing on all parties listed on the service list compiled by the Secretary of the Commission in this docket.

Comment date: May 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Duke Energy Corporation

[Docket No. ER01–1616–001]

Take notice that on March 28, 2001, Duke Energy Corporation (Duke) filed a revised page 11 to its previously-filed Unexecuted Generation Interconnection and Operating Agreement with Carolina Power & Light Company in the above-captioned docket. The Agreement was originally filed on March 26, 2001. The revised page 11 corrects a typographical error.

Comment date: April 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Conectiv Energy, Inc. Conectiv Delmarva Generation, Inc.

[Docket No. EC01–82–000]

Take notice that on March 27, 2001, Conectiv Energy, Inc. (CEI) and Conectiv Delmarva Generation, Inc. (CDG) jointly filed an application pursuant to Section 203 of the Federal Power Act for authorization of a lease agreement whereby CEI will lease to CDG jurisdictional transmission facilities appurtenant to four generating units under construction that CEI is also leasing to CDG. The four generating units are Hay Road 5, Hay Road 6, Hay Road 7 and Hay Road 8 whose total generating capacity will be 550 MW when construction is completed.

A copy of the filing has been served on the Delaware Public Service Commission.

Comment date: April 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–8587 Filed 4–6–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

April 3, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11871–000.

c. *Date filed:* January 11, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name of Project:* Auger Falls Project.

f. *Location:* On the Snake River, in Twin Falls County, Idaho. No federal facilities or land would be used.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791(a)–825(r).

h. *Applicant Contact:* Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–8630.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of: (1) An existing 340-foot-long, 18-foot-high; (2) an existing impoundment having a surface area of 5 acres and negligible storage; (3) a 9,000-foot-long concrete lined canal; (4) three proposed 320-foot-long, 20-foot-diameter steel penstocks; (5) a proposed powerhouse containing three generating units with a total installed capacity of 44 MW; (6) a proposed mile-long 138 kV transmission line; and (7) appurtenant facilities.

The project would have an annual generation of 149 GWh that would be sold to a local utility.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. *Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application on later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. *Preliminary Permit*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. *Notice of intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–8601 Filed 4–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

April 3, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11873–000.

c. *Date filed:* January 23, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name of Project:* Star Falls Project.

f. *Location:* On the Snake River, in Twin Falls and Jerome Counties, Idaho. Would occupy federal land managed by the Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–8630.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests and inventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)((1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice and Procedure require all inventors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments on documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of; (1) An existing 400-foot-long, 20-foot-high diversion dam; (2) an existing impoundment having a surface area of 14 acres with negligble storage; (3) two proposed 1,300-foot-long, 24-foot-diameter steel penstocks; (4) a proposed powerhouse containing two generating units having a total installed capacity of 25 MW; (5) a proposed 138 kV transmission line; and (6) appurtenant facilities.

The project would have an annual generation of 104 GWh that would be sold to a local utility.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Preliminary Permit—Any desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development applicaiton allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of intent—A notice of intent must specify the exact name, busienss address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) name in this public notice.

p. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit woould include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requiremenets of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–8602 Filed 4–06–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

April 3, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11894–000.

c. *Date filed:* February 21, 2001.

d. *Applicant:* Rugraw, Inc.

e. *Name of Project:* Lassen Lodge Project.

f. *Location:* On the South Fork of Battle Creek, in Tehama County, California. No federal land or facilities would be used.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mrs. Gertrud Rudolph, President, Rugraw, Inc., 6935 Pine Drive, Anderson, CA 96007, (916) 243–2914.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protest and comments:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426. Comments, motions to intervene, and protests may be electronically filed via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.* Please include the project number (P–11894–000) and any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of: (1) A proposed 80-foot-long, 5-foot-high grouted rock and boulder diversion structure and would have a negligible impoundment; (2) a proposed 19,200-foot-long, steel penstock; (3) a proposed powerhouse containing one generating unit having a total installed capacity of 7MW; (4) a proposed 10-mile-long, 60 kV transmission line; and (5) appurtenant facilities.

The project would have an annual generation of 24 GWh that would be sold to a local utility.

l. A copy of the application is available for inspection and reproduction and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, D.C. 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call

(202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTESTS'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–8603 Filed 4–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

April 3, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11901–000.

c. *Date filed:* March 5, 2001.

d. *Applicant:* Town of Bristol, New Hampshire.

e. *Name of Project:* Ayers Island Project.

f. *Location:* On the Pemigewasset River, in Grafton and Belknap Counties, New Hampshire. No federal land or facilities would be used. The proposed project would develop additional capacity to that already produced by Public Service Company of New Hampshire under their license FERC No. 2456. They also stated they would not impact the current project operation.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Joseph Denning, Town Selectman, Town Of Bristol, New Hampshire, 71 Lake Street, Bristol, NH 03222 (603) 744–3354.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, motions to intervene, and protests may be electronically filed via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.* Please include the project number (P–11901–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities or a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of; (1) an existing 669-foot-long, 72-foot-high concrete Ambursen dam; (2) an existing reservoir having a surface area of 600 acres with a storage capacity of 10,000 acre-feet and a normal water surface elevation of 453.3 feet USGS; (3) a proposed 110-foot-long, 36-inch-diameter steel penstock; (4) a proposed powerhouse containing one generating unit having a total installed capacity of 250 kW; (5) a proposed 150-foot-long, 69

kV transmission line; and (6) appurtenant facilities.

The project would have an annual generation 2.081 GWh that would be sold to a local utility.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on htt://www.ferc.fed.us/online/rims.htm (call (202) 208–222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–8604 Filed 4–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

April 3, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11906–000.

c. *Date filed:* March 16, 2001.

d. *Applicant:* Town of Bristol, New Hampshire.

e. *Name of Project:* Franklin Falls Project.

f. *Location:* On the Pemigewasset River, in Merrimack and Belknap Counties, New Hampshire. The proposed project would use the existing U.S. Army Corps of Engineers Franklin Falls Dam.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Joseph Denning, Town Selectman, Town of Bristol, New Hampshire, 71 Lake Street, Bristol, NH 03222. (603) 744–3354.

i. *FERC Contact:* Robert Bell, (202) 291–2806.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, motions to intervene, and protests may be electronically filed via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.* Please include the project number (P–11906–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project using the existing U.S. Army Corps of Engineers Franklin Falls

Dam and Reservoir and would consist of; (1) two proposed 22-foot-diameter steel penstocks; (2) a proposed powerhouse containing two generating units having a total installed capacity of 400 kW; (3) a proposed 1500-foot-long, 69 kV transmission line; and (4) appurtenant facilities.

The project would have an annual generation of 3.154 GWh that would be sold to a local utility.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent of submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. Agency Comments—Federal, state and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directed from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–8605 Filed 4–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

April 3, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11907–000.

c. *Date filed:* March 16, 2001.

d. *Applicant:* Town of Bristol, New Hampshire.

e. *Name of Project:* Eastman Falls Project.

f. *Location:* On the Pemigewasset River, in Merrimack and Belknap Counties, New Hampshire. No federal land or facilities would be used. The proposed project would develop additional capacity to that already produced by Public Service Company of New Hampshire under their license FERC No. 2457 and would not impact their current operations.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Joseph Denning, Town Selectman, Town of Bristol, New Hampshire, 71 Lake Street, Bristol, NH 03222. (603) 744–3354.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, motions to intervene, and protests may be electronically filed via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.* Please include the project number (P–11907–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission

to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of; (1) an existing 750-foot-high concrete gravity dam; (2) an existing reservoir having a surface area of 600 acres with a storage capacity of 450 acre-feet and a normal water surface elevation of 307 feet USGS; (3) a proposed powerhouse containing one generating unit having a total installed capacity of 560 kW; (4) a proposed 100-foot-long, 69 kV transmission line; and (5) appurtenant facilities.

The project would have an annual generation of 2.081 GWh that would be sold to a local utility.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–8606 Filed 4–6–01; 8:45 am]

BILLING CODE 6717–01–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

April 2, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before June 8, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, SW., Room 1–A804, Washington, DC 20554 or via the Internet to *lesmith@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at *lesmith@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0629.

Title: Section 76.987 New Product Tiers.

Form Number: n/a.

Type of Review: Extension of a currently approved collection.

Respondents: Business and other for-profit entities.

Number of Respondents: 500.

Estimated Time Per Response: .5 hours.

Total Annual Burden to Respondents: The Commission estimates that approximately 500 NPT filings will be received each year. The average burden to cable operators to comply with this filing requirement is estimated to be .5 hours per filing. 500 filings × .5 hours = 250 burden hours.

Total Annual Costs: $ 0.00.

Needs and Uses: Section 76.987(g) states that within 30 days of the offering of a new product tier (''NPT''), operators shall file with the Commission, a copy of the new rate card that contains the following information on their basic service tiers (''BSTs''), cable programming services tiers (CPSTs'') and NPTs: (1) The names of the programming services contained on each tier, and (2) the price of each tier. Operators also must file with the Commission, copies of notifications that were sent to subscribers regarding the initial offering of NPTs. After this initial filing, cable operators must file updated rate cards and copies of customer notifications with the Commission within 30 days of rate or service changes affecting the NPT. The information collections are used by the Commission to verify compliance and to ensure that subscribers are given due notice of NPT offerings.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–8567 Filed 4–6–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

March 30, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before June 8, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, SW., Room 1–A804, Washington, DC 20554 or via the Internet to *lesmith@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at *lesmith@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Approval No.: 3060–0633.

Title: Station Licenses—Sections 73.1230, 74.165, 74.432, 74.564, 74.664, 74.765, 74.832, 74.965, 74.1265.

Form No.: n/a.

Type of Review: Extension of currently approved collection.

Respondents: Businesses or other for-profit, not-for-profit institutions.

Number of Respondents: 3,042.

Estimated Hours Per Response: 0.083 hours.

Frequency of Response: On occasion.

Cost to Respondents: $20,680.

Estimated Total Annual Burden: 252 hours.

Needs and Uses: Licensees of broadcast stations are required to post, file or have available a copy of the instrument of authorization at the station and/or transmitter site. The data are used by FCC staff in field investigations and the public to ensure that a station is licensed and operating in the manner specified in the license. The information posted at the transmitter site is used by the public and FCC staff to know by whom the transmitter is licensed.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–8568 Filed 4–6–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

March 29, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before May 9, 2001. If

you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., DC 20554 or via the Internet to *jboley@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via the Internet at *jboley@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0739.

Title: Amendment of the Commission's Rules to Establish Competitive Safeguards for Local Exchange Carrier Provision of Commercial Mobile Radio Services.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Businesses or other for-profit and state, local or tribal government.

Number of Respondents: 32.

Estimated Time Per Response: 2,019 hours.

Frequency of Response: On occasion reporting requirement, third party disclosure requirement, and recordkeeping requirement.

Total Annual Burden: 66,944 hours.

Total Annual Cost: N/A.

Needs and Uses: Incumbent LECs offering in-region broadband Commercial Mobile Radio Services (CMRS) must do so through a separate affiliate. The CMRS affiliate must maintain separate books of account and will be subject to the Commission's joint cost and affiliate transaction rules. The Commission imposes the recordkeeping requirement to ensure that incumbent LECs providing in-region broadband CMRS through a separate affiliate are in compliance with the Communications Act of 1934, as amended, and with Commission policies and regulations.

OMB Control No.: 3060–0626.

Title: Regulatory Treatment of Mobile Services.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit.

Number of Respondents: 1,074.

Estimated Time Per Response: .50–10 hours.

Frequency of Response: On occasion reporting requirement, recordkeeping requirement.

Total Annual Burden: 6,673 hours.

Total Annual Cost: N/A.

Needs and Uses: The information provides the Commission with technical, operational and licensing data for private mobile radio service licensees that have been reclassified as commercial mobile radio service providers. The information is necessary to establish regulatory symmetry among similar mobile services.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–8569 Filed 4–6–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

March 26, 2001.

SUMMARY: The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before May 9, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *lesmith@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at *lesmith@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0698.

Title: Amendment of the Commission's Rules to Establish a Radio Astronomy Coordination Zone in Puerto Rico, ET Docket No. 96–2, RM–8165, Report and Order.

Form Numbers: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit entities; Not-for-profit institutions; and State, Local, or Tribal Government.

Number of Respondents: 515.

Estimated Time per Response: 35 minutes/entry (avg.).

Frequency of Response: On occasion reporting requirements; Third party disclosure.

Total Annual Burden: 300 hours.

Total Annual Costs: None.

Needs and Uses: The FCC has established a Coordination Zone for new and modified radio facilities in various communications services that cover the islands of Puerto Rico, Desecheo, Mona, Vieques, and Culebra within the Commonwealth of Puerto Rico. The coordination zone and notification procedures will enable the Arecibo Radio Astronomy Observatory to receive information needed to assess whether an applicant's proposed operations will cause harmful interference to the Arecibo Observatory's operations and will promote efficient resolution of coordination problems between the applicants and the Arecibo Observatory.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–8570 Filed 4–6–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2475]

Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings

April 2, 2001.

Petitions for Reconsideration and Clarification have been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR section 1.429(e). The full text of these

documents are available for viewing and copying in Room CY–A257, 445 12th Street, S.W., Washington, D.C. or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to these petitions must be filed by April 24, 2001. See section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

Subject: Amendment of the Rules Concerning Maritime Communications (PR Docket No. 92–257).

Number of Petitions Filed: 2.

Subject: In the Matter of Amendment of Parts of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the KU Band Frequency Range (ET Docket No. 98–206).

Number of Petitions Filed: 8.

Subject: Review of the Commission's Regulations Governing Attribution of Mass Media Interests (MM Docket No. 94–150).

Review of the Commission's Regulations and Policies Affecting Investment in the Broadcast Industry (MM Docket No. 92–51).

Reexamination of the Commission's Cross-Interest Policy (MM Docket No. 87–154).

Number of Petitions Filed: 3.

Subject: Service Rules for the 746–767 and 776–794 MHz Band, and Revision to Part 27 of the Commission Rules (WT Docket No. 99–168).

Number of Petitions Filed: 2.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–8622 Filed 4–6–01; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:30 a.m. on Tuesday, April 10, 2001, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, pursuant to sections 552b(c)(2), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider matters relating to the Corporation's corporate and supervisory activities.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898–6757.

Dated: April 4, 2001.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 01–8753 Filed 4–5–01; 10:35 am]

BILLING CODE 6714–01–M

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE & TIME: Friday, May 4, 2001 at 9 a.m.; Saturday, May 5, 2001 at 9 a.m.

PLACE: Wyndham Baltimore Inner Harbor Hotel, 101 West Fayette Street, Baltimore, MD 21201.

NAME: Federal Election Commission Election Administration Advisory Panel.

STATUS: The Advisory Panel meeting is open to the public, dependent on available space.

In accordance with the provisions of the Federal Advisory Panel Committee Act (5 U.S.C. App. 1) and Office of Management and Budget Circular A–63, as revised, the Federal Election Commission announces the 2001 Advisory Panel meeting.

ITEMS TO BE DISCUSSED: Contested elections and recounts in the 2000 election; Federal issues in the 2000 election (including accessibility for the disabled, civil rights, absentee voting and the National Voter Registration Act); Reports from national election reform task forces and commissions; Update on the Voting Systems Standards project; FEC budget and the future of the Office of Election Administration.

PURPOSE OF MEETING: The Panel will present its views on problems in the administration of Federal elections, and formulate recommendations to the Federal Election Commission Office of Election Administration for its future program development.

Any member of the public may file a written statement with the Panel before, during, or after the meeting. To the extent that time permits, Panel Chair may allow public presentation or oral statements at the meeting.

PERSON TO CONTACT FOR INFORMATION: Ms. Penelope Bonsall, Director, Office of Election Administration, Telephone: (202) 694–1095.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. 01–8837 Filed 4–5–01; 3:16 pm]

BILLING CODE 6715–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 3, 2001.

A. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. Old Florida Bankshares, Inc., Fort Myer, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of Old Florida Bank, Fort Myers, Florida.

B. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Heartland Bancorp, Inc., Bloomington, Illinois; to acquire 100 percent of the voting shares of Chenoa Corporation, Chenoa, Illinois, and thereby indirectly acquire Bank of Chenoa, Chenoa, Illinois.

Board of Governors of the Federal Reserve System, April 3, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–8571 Filed 4–6–01; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Contract Review Meeting

In accordance with section 10 (a) of the Federal Advisory Committee Act as amended (5 U.S.C., appendix 2), announcement is made of an Agency for Healthcare Research and Quality (AHRQ) Technical Review Committee (TRC) meeting. This TRC's charge is to provide review of contract proposals and recommendations to the Director, AHRQ, regarding the technical merit of proposals submitted in response to a Request for Proposals (RFPs) regarding ''Survey Users Network''. The RFP was published in the Commerce Business Daily on January 24, 2001.

The upcoming TRC meeting will be closed to the public in accordance with the Federal Advisory Committee Act (FACA), section 10(d) of 5 U.S.C., appendix 2, implementing regulations, and procurement regulations, 41 CFR 101–6.1023 and 48 CFR 315.604(d). The discussions at this meeting of contract proposals submitted in response to the above-referenced RFP are likely to reveal proprietary information and personal information concerning individuals associated with the proposals. Such information is exempt from disclosure under the above-cited FACA provision that protects the free exchange of candid views, and under the procurement rules that prevent undue interference with Committee and Department operations.

Name of TRC: The Agency for Healthcare Research and Quality—''Survey Users Network''.

Date: April 16, 2001 (Closed to the public).

Place: Agency for Healthcare Research & Quality, Conference Center, Conference Room A, 6010 Executive Boulevard, 4th Floor, Rockville, Maryland 20852.

Contact Person: Anyone wishing to obtain information regarding this meeting should contact Charles Darby, Center for Quality Improvement and Patient Safety, Agency for Healthcare Research and Quality, 2101 East Jefferson Street, Suite 502, Rockville, Maryland, 20852, 301–594–2050.

This notice is being published less than 15 days prior to the April 16th meeting due to the time constraints of reviews and funding cycles.

Dated: March 30, 2001.

John M. Eisenberg,

Director.

[FR Doc. 01–8610 Filed 4–6–01; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. 93631–01–01]

Developmental Disabilities: Final Notice of Availability of Financial Assistance and Request for Applications to Support Family Support Model Demonstration Projects Under the Projects of National Significance Program

AGENCY: Administration on Developmental Disabilities (ADD), ACF, DHHS.

ACTION: Invitation to apply for financial assistance.

SUMMARY: The Administration on Developmental Disabilities, Administration for Children and Families (ACF), announces that applications are being accepted for funding of Fiscal Year 2001 under family support.

This program announcement consists of five parts. Part I, the Introduction, discusses the goals and objectives of ACF and ADD. Part II provides the necessary background information on ADD for applicants. Part III describes the review process. Part IV describes the priority under which ADD requests applications for Fiscal Year 2001 funding of projects. Part V describes in detail how to prepare and submit an application.

Grants will be awarded under this program announcement subject to the availability of funds for support of these activities.

DATES: The closing date for submittal of applications under this announcement is May 24, 2001.

Deadline: Mailed applications shall be considered as meeting an announced deadline if they are received on or before the deadline time and date at the U.S. Department of Health and Human Services, ACF/Administration on Developmental Disabilities, 370 L'Enfant Promenade SW, Mail Stop 326F, Washington, DC 20447, Attention: Lois Hodge. Any applications received after 4:30 p.m. on the deadline date will not be considered for competition.

Applicants must ensure that a legibly dated U.S. Postal Service postmark or a legibly dated, machine produced postmark of a commercial mail service is affixed to the envelope/package containing the application(s). To be acceptable as proof of timely mailing, a postmark from a commercial mail service must include the logo/emblem of the commercial mail service company and must reflect the date the package was received by the commercial mail service company from the applicant. Private Metered postmarks shall not be acceptable as proof of timely mailing.

Applications *handcarried* by applicants, applicant couriers, other representatives of the applicant, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8:00 a.m. and 4:30 p.m., EST, at the U.S. Department of Health and Human Services, ACF/Office of Grants Management, 370 L'Enfant Promenade SW, ACF Mail Center, 2nd Floor (near loading dock), Aerospace Center, 901 D Street, SW, Washington, DC 20024, between Monday and Friday (excluding Federal holidays). This address must appear on the envelope/package containing the application with the note ''Attention: Lois Hodge. Applicants using express/overnight services should allow two working days prior to the deadline date for receipt of applications. (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.)

ACF cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ACF electronically will not be accepted regardless of date or time of submission and time of receipt.

Late Applications: Applications that do not meet the criteria above are considered late applications. ADD shall notify each late applicant that its application will not be considered in the current competition.

Extension of Deadlines: ACF may extend the deadline for all applicants because of acts of God such as floods and hurricanes, etc., widespread disruption of the mails, or when it is anticipated that many of the applications will come from rural or remote areas. However, if ACF does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicants.

ADDRESSES: Application materials are available from Joan Rucker, 370 L'Enfant Promenade, SW., Washington, DC 20447, 202/690–7898; http://www.acf.dhhs.gov/programs/add; or add@acf.dhhs.gov.

FOR FURTHER INFORMATION CONTACT: Administration for Children and Families (ACF), Joan Rucker, 370 L'Enfant Promenade, SW., Washington, DC 20447, 202/690–7898; or add@acf.dhhs.gov.

Notice of Intent to Submit Application: If you intend to submit an application, please send a post card with the number and title of this announcement, your organization's name and address, and your contact person's name, phone and fax numbers, and e-mail address to: Administration on Developmental Disabilities, 370 L'Enfant Promenade SW, Mail Stop 300F, Washington, DC 20447, Attn: Family Support.

This information will be used to determine the number of expert reviewers needed and to update the mailing list to whom program announcements are sent.

SUPPLEMENTARY INFORMATION:

Part I. General Information

A. Goals of the Administration on Developmental Disabilities

The Administration on Developmental Disabilities (ADD) is located within the Administration for Children and Families (ACF), Department of Health and Human Services (DHHS). Although different from the other ACF program administrations in the specific populations it serves, ADD shares a common set of goals that promote the economic and social well being of families, children, individuals and communities. Through national leadership, ACF and ADD envision:

- Families and individuals empowered to increase their own economic independence and productivity;
- Strong, healthy, supportive communities having a positive impact on the quality of life and the development of children;
- Partnerships with individuals, front-line service providers, communities, States and Congress that enable solutions which transcend traditional agency boundaries;
- Services planned and integrated to improve client access;
- A strong commitment to working with Native Americans, persons with developmental disabilities, refugees and migrants to address their needs, strengths and abilities; and
- A community-based approach that recognizes and expands on the resources and benefits of diversity.

Emphasis on these goals and progress toward them will help more individuals, including people with developmental disabilities, to live productive and independent lives integrated into their communities.

B. Purpose of the Administration on Developmental Disabilities

The Administration on Developmental Disabilities (ADD) is the lead agency within ACF and DHHS responsible for planning and administering programs that promote the self-sufficiency and protect the rights of persons with developmental disabilities.

The Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C.15001, et seq.) (the Act) supports and provides assistance to States and public and private nonprofit agencies and organizations to assure that individuals with developmental disabilities and their families participate in the design of and have access to culturally competent services, supports, and other assistance and opportunities that promote independence, productivity, integration and inclusion into the community.

In the Act, Congress expressly found that:

- Disability is a natural part of the human experience that does not diminish the right of individuals with developmental disabilities to enjoy the opportunity for independence, productivity, integration and inclusion into the community;
- Individuals whose disabilities occur during their developmental period frequently have severe disabilities that are likely to continue indefinitely;
- Individuals with developmental disabilities often require lifelong specialized services and assistance, provided in a coordinated and culturally competent manner by many agencies, professionals, advocates, community representatives, and others to eliminate barriers and to meet the needs of such individuals and their families;

The Act further established as the policy of the United States:

- Individuals with developmental disabilities, including those with the most severe developmental disabilities, are capable of achieving independence, productivity, integration and inclusion into the community, and often require the provision of services, supports and other assistance to achieve such;
- Individuals with developmental disabilities have competencies, capabilities and personal goals that should be recognized, supported, and encouraged, and any assistance to such individuals should be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the individual;
- Individuals with developmental disabilities and their families are the primary decision makers regarding the services and supports such individuals and their families receive; and play decision making roles in policies and programs that affect the lives of such individuals and their families; and
- It is in the nation's interest for people with developmental disabilities to be employed, and to live conventional and independent lives as a part of families and communities.

Toward these ends, ADD seeks: to enhance the capabilities of families in assisting people with developmental disabilities to achieve their maximum potential; to support the increasing ability of people with developmental disabilities to exercise greater choice and self-determination; to engage in leadership activities in their communities; as well as to ensure the protection of their legal and human rights.

The four programs funded under the Act are:

- Federal assistance to State developmental disabilities councils;
- State system for the protection and advocacy of individuals rights;
- Grants to University Centers for Excellence for interdisciplinary pre-service training, technical assistance, research and information dissemination; and
- Grants for Projects of National Significance.

C. Statutory Authorities Covered Under This Announcement

The Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. 15000, *et seq*. The Projects of National Significance is Part E of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. 15081, *et seq*. The Consolidated Appropriations Act, FY 2001, Pub. L. 106–554.

Part II. Background Information for Applicants

A. Description of Family Support Program

The Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C., et seq. was authorized on October 30, 2000. The Act includes a new Title II, the ''Families of Children

With Disabilities Support Act of 1999''. The purpose of this new family support program is for states to create or expand statewide systems change. It allows for the award of competitive, statewide system change grants to conduct training and technical assistance and other national activities designed to address the problems which impede the self-sufficiency of families of children with disabilities. Although authorization levels were provided, funds were never appropriated.

Part III. The Review Process

A. Eligible Applicants

Before applications under this Announcement are reviewed, each will be screened to determine that the applicant is eligible for funding as specified. Applications from organizations that do not meet the eligibility requirements for the priority area will not be considered or reviewed in the competition, and the applicant will be so informed.

Only public or non-profit private entities, not individuals, are eligible to apply under any of the priority areas. All applications developed jointly by more than one agency or organization must identify only one organization as the lead organization and official applicant. The other participating agencies and organizations can be included as co-participants, subgrantees or subcontractors.

Nonprofit organizations must submit proof of nonprofit status in their applications at the time of submission. One means of accomplishing this is by providing a copy of the applicant's listing in the Internal Revenue Service's most recent list of tax-exempt organizations described in section 501(c)(3) of the IRS code or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

ADD cannot fund a nonprofit applicant without acceptable proof of its nonprofit status.

B. Review Process and Funding Decisions

Timely applications under this announcement from eligible applicants received by the deadline date will be reviewed and scored competitively. Experts in the field, generally persons from outside of the Federal government, will use the appropriate evaluation criteria listed later in this Part to review and score the applications. The results of this review are a primary factor in making funding decisions.

ADD reserves the option of discussing applications with, or referring them to, other Federal or non-Federal funding sources when this is determined to be in the best interest of the Federal government or the applicant. It may also solicit comments from ADD Regional Office staff, other Federal agencies, interested foundations, national organizations, specialists, experts, States and the general public. ADD will consider these comments, along with those of the expert reviewers, in making funding decisions.

In making decisions on awards, ADD will consider whether applications focus on or feature: services to culturally diverse or ethnic populations among others; a substantially innovative strategy with the potential to improve theory or practice in the field of human services; a model practice or set of procedures that holds the potential for replication by organizations administering or delivering of human services; substantial involvement of volunteers; substantial involvement (either financial or programmatic) of the private sector; a favorable balance between Federal and non-Federal funds available for the proposed project; the potential for high benefit for low Federal investment; a programmatic focus on those most in need; and/or substantial involvement in the proposed project by national or community foundations.

This year, 5 points will be awarded in scoring for any project that demonstrates in their application a partnership and collaboration with any of the 140 Empowerment Zones/Enterprise Communities. A discussion of how the involvement of the EZ/EC is related to the objectives and/or the activities of the project must be clearly outlined for the award of the 5 points. Also, a letter from the appropriate representative of the EZ/EC must accompany the application indicating its agreement to participate and describing its role in the project.

To the greatest extent possible, efforts will be made to ensure that funding decisions reflect an equitable distribution of assistance among the States and geographical regions of the country, rural and urban areas, and ethnic populations. In making these decisions, ADD may also take into account the need to avoid unnecessary duplication of effort.

C. Evaluation Process

Using the evaluation criteria below, a panel of at least three reviewers (primarily experts from outside the Federal government) will review the applications. To facilitate this review, applicants should ensure that they address each minimum requirement in the priority area description under the appropriate section of the Project Narrative Statement.

Reviewers will determine the strengths and weaknesses of each application in terms of the evaluation criteria listed below, provide comments, and assign numerical scores. The point value following each criterion heading indicates the maximum numerical weight that each section may be given in the review process.

D. Structure of Priority Area Descriptions

The priority area description is composed of the following sections:

- Eligible Applicants: This section specifies the type of organization that is eligible to apply under the particular priority area. Specific restrictions are also noted, where applicable.
- Purpose: This section presents the basic focus and/or broad goal(s) of the priority area.
- Background Information: This section briefly discusses the legislative background as well as the current state-of-the-art and/or current state-of-practice that supports the need for the particular priority area activity. Relevant information on projects previously funded by ACF and/or other State models are noted, where applicable.
- Evaluation Criteria: This section presents the basic set of issues that must be addressed in the application. Typically, they relate to need for assistance, results expected, project design, and organizational and staff capabilities. Inclusion and discussion of these items is important since the information provided will be used by the reviewers in evaluating the application against the evaluation criteria.
- Minimum Requirements for Project Design: This section presents the basic set of issues that must be addressed in the application. Typically, they relate to project design, evaluation, and community involvement. This section also asks for specific information on the proposed project. Inclusion and discussion of these items is important since they will be used by the reviewers to evaluate the applications against the evaluation criteria. Project products, continuation of the project after Federal support ceases, and dissemination/utilization activities, if appropriate, are also addressed.
- Project Duration: This section specifies the maximum allowable length

of the project period; it refers to the amount of time for which Federal funding is available.

• Federal Share of Project Costs: This section specifies the maximum amount of Federal support for the project.

• Matching Requirement: This section specifies the minimum non-Federal contribution, either cash or in-kind match, required.

• Anticipated Number of Projects To Be Funded: This section specifies the number of projects ADD anticipates funding under the priority area.

• CFDA: This section identifies the Catalog of Federal Domestic Assistance (CFDA) number and title of the program under which applications in this priority area will be funded. This information is needed to complete item 10 on the SF 424.

Please note that applications under this announcement that do not comply with the specific priority area requirements in the section on ''Eligible Applicants'' will not be reviewed. Experience has shown that an application which is broader and more general in concept than outlined in the priority area description is less likely to score as well as an application more clearly focused on, and directly responsive to, the concerns of that specific priority area. Therefore, applicants should tailor their applications according to the requirements of the priority area description.

E. Available Funds

ADD intends to award new grants resulting from this announcement during the fourth quarter of fiscal year 2001, subject to the availability of funding. The size of the awards will vary. The priority area description includes information on the maximum Federal share of the project costs and the anticipated number of projects to be funded.

For general information, the term ''budget period'' refers to the interval of time (usually 12 months) into which a multi-year period of assistance (project period) is divided for budgetary and funding purposes. The term ''project period'' refers to the total time a project is approved for support, including any extensions.

F. Grantee Share of Project Costs

Grantees must match $1 for every $3 requested in Federal funding to reach 25% of the total approved cost of the project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. Cash or in-kind contributions may meet the non-Federal share, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting $100,000 in Federal funds (based on an award of $100,000 per budget period) must include a match of at least $33,333 (total project cost is $133,333, of which $33,333 is 25%).

An exception to the grantee cost-sharing requirement relates to applications originating from American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands. Applications from these areas are covered under Section 501(d) of Pub. L. 95–134, which requires that the Department waive ''any requirement for local matching funds for grants under $200,000.''

The applicant contribution must generally be secured from non-Federal sources. Except as provided by Federal statute, a cost sharing or matching requirement may not be met by costs borne by another Federal grant. However, funds from some Federal programs benefiting Tribes and Native American organizations have been used to provide valid sources of matching funds. If this is the case for a Tribe or Native American organization submitting an application to ADD, that organization should identify the programs which will be providing the funds for the match in its application. If the application successfully competes for PNS grant funds, ADD will determine whether there is statutory authority for this use of the funds. The Administration for Native Americans and the DHHS Office of General Counsel will assist ADD in making this determination.

G. General Instructions for the Uniform Project Description

The following ACF Uniform Project Description (UPD) has been approved under OMB Control Number 0970–0139.

Applicants required to submit a full project description shall prepare the project description statement in accordance with the following instructions.

1. Project summary/abstract: Provide a summary of the project description (a page or less) with reference to the funding request.

2. Objectives and need for assistance: Clearly identify the physical, economic, social, financial, institutional, and/or other problem(s) requiring a solution. The need for assistance must be demonstrated and the principal and subordinate objectives of the project must be clearly stated; supporting documentation, such as letters of support and testimonials from concerned interests other than the applicant, may be included. Any relevant data based on planning studies should be included or referred to in the endnotes/footnotes. Incorporate demographic data and participant/beneficiary information, as needed. In developing the project description, the applicant may volunteer or be requested to provide information on the total range of projects currently being conducted and supported (or to be initiated), some of which may be outside the scope of the program announcement.

3. Results or benefits expected: Identify the results and benefits to be derived. For example, when applying for a grant to establish a neighborhood child care center, describe who will occupy the facility, who will use the facility, how the facility will be used, and how the facility will benefit the community which it will serve.

4. Approach: Outline a plan of action which describes the scope and detail of how the proposed work will be accomplished. Account for all functions or activities identified in the application. Cite factors which might accelerate or decelerate the work and state your reason for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

Provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity in such terms as the number of people to be served and the number of microloans made. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

Identify the kinds of data to be collected, maintained, and/or disseminated. Note that clearance from the U.S. Office of Management and Budget might be needed prior to a ''collection of information'' that is ''conducted or sponsored'' by ACF. List organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

5. Organization Profile: Provide information on the applicant organization(s) and cooperating partners such as organizational charts, financial statements, audit reports or statements from CPAs/Licensed Public Accountants, Employer Identification Numbers, names of bond carriers, contact persons and telephone numbers,

child care licenses and other documentation of professional accreditation, information on compliance with Federal/State/local government standards, documentation of experience in the program area, and other pertinent information. Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code, *or* by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

Part IV. Fiscal Year 2001 Families of Children With Disabilities Support Projects—Description and Requirements

The following section presents the final announcement for the area of family support for Fiscal Year 2001 and solicits the appropriate applications.

Eligible Applicants: A State entity, unit or office designated by the chief executive officer of the state as the lead agency for this project. Proof of designation as lead agency by the governor/CEO must be submitted with the application. Applicants who were awarded grants last year (FY 2000) under this priority area are not eligible. Applicants who were awarded grants in Fiscal Year 1999 are eligible to apply for implementation funds. Applicants who have never received grants under this priority are eligible to apply for funds.

Purpose: Project funds are to be utilized to support systems change activities designed to assist each State to develop and implement, or expand and enhance, a family-centered and family-directed, culturally competent, community-centered, comprehensive, statewide system of family support for families of children with disabilities designed to—

(1) ensure the full participation, choice and control of families of children with disabilities in decisions related to the provision of such family support for their family;

(2) ensure the active involvement of families of children with disabilities in the planning, development, implementation, and evaluation of such a statewide system;

(3) increase the availability of, funding for, access to, and provision of family support for families of children with disabilities;

(4) promote training activities that are family-centered and family-directed and that enhance the ability of family members of children with disabilities to increase participation, choice, and control in the provision of family support for families of children with disabilities;

(5) increase and promote interagency coordination among State agencies, and between State agencies and private entities that are involved in these projects; and

(6) increase the awareness of laws, regulations, policies, practices, procedures, and organizational structures, which facilitate or impede the availability or provision of family support for families of children with disabilities.

Background Information: The concept of family support for families with a child with a disability is a relatively new phenomenon in disability policy. Historically, the only means of receiving publicly funded services for a child with a severe disability was by placing the child in a state institution. With a shift in thinking in the early 1980s to a more family-centered approach to service provision many states initiated family support legislation. This legislation was often the result of initiatives developed by the state developmental disabilities councils. Currently, all the states plus the District of Columbia offer some type of family support program; this has consisted of any community-based service administered or financed by the state MR/DD agency providing for vouchers, direct cash payments to families, reimbursement, or direct payments to service providers which the state agency itself identified as family support. A review of these programs reveals the range of services that fall within ''family support''—cash subsidy payments, respite care, family counseling, architectural adaptation of the home, in-home counseling, sibling support programs, education and behavior management services and the purchase of specialized equipment. Family support is a growing expenditure in state budgets; in 1996 it constituted 2.3% of total MR/DD resources, compared to 1.6% in 1992. The number of families supported is also growing, from 174,441 in 1992 to 280,535 in 1996.

The Federal government's involvement in family support began in 1982 with what is known as the ''Katie Beckett Waiver'', an option under Medicaid which allows a state to waive the deeming of parental income and resources for any child eighteen years of age and under who is eligible for placement in a Medicaid certified long term care institution or hospital, ICF/MR or nursing home. This waiver allows parents access to an array of family, home and community supports. A majority of states have not exercised this option.

Federal disability policy in the 1980s increasingly began to reflect the principles of family-centered, community-based, coordinated care as Federal programs were established or reauthorized. The Temporary Respite Care and Crisis Nurseries Act of 1986 funded a variety of in-home and out-of-home respite programs; a new Part H for infants, toddlers, and their families was added in 1986 to the then Education of the Handicapped Act; the reauthorization of the Maternal and Child Health Care Block grant in 1989 emphasized these principles in it's Children with Special Health Care Needs program; and in the Developmental Disabilities Assistance and Bill of Rights Act a definition of family support services was added in 1990.

Minimum Requirements for Project Design: ADD is interested in awarding grant funds that will maximize opportunities for systems change through the collaboration with and strengthening of generic community action service organizations in order to ensure the provision of family support to families of children with disabilities. Activities should contain the following key components:

- Establish a state policy council of families of children with disabilities or utilize an existing council which will advise and assist the lead entity in the performance of activities of this application and be composed of a majority of members who are family members of children with disabilities and who are youth with disabilities (ages 18–21);
- Training and technical assistance for family members, service providers, community members, professionals, members of the Policy Council, state agency staff, students and others;
- Interagency coordination of Federal and State policies, resources, and services; interagency workgroups to enhance public funding options and coordination; and other interagency activities that promote coordination;
- Outreach to locate families who are eligible for family support and to identify groups who are underserved or unserved;
- Policy studies that relate to the development and implementation, or expansion and enhancement, of a

statewide system of family support for families of children with disabilities;

• Hearings and forums to solicit input from families of children with disabilities regarding family support programs, policies, and plans for such families;

• Public awareness and education to families of children with disabilities, parent groups and organizations, public and private agencies, students, policymakers, and the general public;

• Needs assessment;

• Data collection and analysis related to the statewide system of family support for families of children with disabilities;

• Implementation plans to utilize generic community service organizations in innovative partnerships to include families of children with disabilities;

• Pilot demonstration projects to demonstrate new approaches to the provision of family support for families of children with disabilities;

• Evaluation system using measurable outcomes based on family satisfaction indicators such as the extent to which a service or support meets a need, solves a problem, or adds value for a family, as determined by the individual family.

ADD is particularly interested in applications that incorporate into these activities one or more of the following populations relevant to their state: (1) Unserved and underserved populations which includes populations such as individuals from racial and ethnic minority backgrounds, economically disadvantaged individuals, individuals with limited-English proficiency, and individuals from underserved geographic areas (rural or urban); (2) aging families of adult children with disabilities who are over age 21 with a focus on assisting those families and their adult child to be included as self-determining members of their communities; (3) foster/adoptive families of children with disabilities; (4) families participating in the state's Temporary Assistance to Needy Families Program (TANF) , welfare-to-work, and/or SSI program; (5) veterans with families having a child with a disability; (6) parents with disabilities, especially with cognitive disabilities, having children with or without disabilities; and (7) families of children with behavioral/emotional issues.

As a general guide, ADD will expect to fund only those applications for projects that incorporate the following elements:

• Consumer/self-advocate orientation and participation.

• Key project personnel with direct life experience with living with a disability.

• Strong advisory components that consist of a majority of individuals with disabilities and a structure where individuals with disabilities make real decisions that determine the outcome of the grant.

• Research reflects the principles of participatory action.

• Cultural competency.

• A description of how individuals with disabilities and their families will be involved in all aspects of the design, implementation, and evaluation of the project.

• Attention to unserved and inadequately served individuals, having a range of disabilities from mild to severe, from multicultural backgrounds, rural and inner-city areas, migrant, homeless, and refugee families, with severe disabilities.

• Compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 as amended by the Rehabilitation Act amendments of 1998 (P.L. 105–220).

• Collaboration through partnerships and coalitions.

• Development of the capacity to communicate and disseminate information and technical assistance through e-mail and other effective, affordable, and accessible forms of electronic communication.

Applications should also include provisions for the travel of a key staff person during the project period to Washington, DC.

Evaluation Criteria: The four criteria that follow will be used to review and evaluate each application under this announcement. Each of these criterion should be addressed in the project description section of the application. The point values indicate the maximum numerical weight each criterion will be accorded in the review process. The specific information to be included under each of these headings is described in Section G of Part III, General Instructions for the Uniform Project Description. Additional information that must be included is described below.

Criterion 1: Objectives and Need for Assistance (20 points)

The application must identify the precise location of the project and area to be served by the proposed project. Maps and other graphic aids must be attached.

Criterion 2: Results or Benefits Expected (20 points)

The extent to which they are consistent with the objectives of the application, and the extent to which the application indicates the anticipated contributions to policy, practice, theory and/or research. The extent to which the proposed project costs is reasonable in view of the expected results.

Criterion 3: Approach (35 points)

Discuss the criteria to be used to evaluate the results, and explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified are being achieved. Applicants choosing to develop audiovisual products must include closed captioning and an audio description.

Criterion 4: Organizational Profile (25 points)

The application identifies the background of the project director/principal investigator and key project staff (including name, address, training, educational background and other qualifying experience) and the experience of the organization to demonstrate the applicant's ability to effectively and efficiently administer this project. The application describes the relationship between this project and other work planned, anticipated or under way by the applicant which is being supported by Federal assistance.

This section should consist of a brief (two to three pages) background description of how the applicant organization (or the unit within the organization that will have responsibility for the project) is organized, the types and quantity of services it provides, and/or the research and management capabilities it possesses. It may include descriptions of any current or previous relevant experience, or describe the competence of the project team and its demonstrated ability to produce a final product that is readily comprehensible and usable. An organization chart showing the relationship of the project to the current organization should be included.

Project Duration: This announcement is soliciting applications for a project period up to seventeen (17) months under this area. Awards, on a competitive basis, can be up to a seventeen-month (17) budget period.

Federal Share of Project Costs: The maximum Federal share for applicants, who have never received an award shall not exceed $200,000 for a state and not to exceed $100,000 for a territory for the

budget period. The maximum Federal share for applicants requesting implementation funds shall not exceed $100,000 for a state and not to exceed $50,000 for a territory.

Matching Requirement: Grantees must match $1 for every $3 requested in Federal funding to reach 25% of the total approved cost of the project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. Cash or in-kind contributions may meet the non-Federal share, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting $200,000 in Federal funds (based on an award of $200,000 per budget period) must include a match of at least $66,666 (the total project cost is $266,666, of which $66,666 is 25%).

Anticipated Number of Projects to be Funded: It is anticipated that up to thirty-six (36) projects will be funded.

CFDA: ADD's CFDA (Code of Federal Domestic Assistance) number is 93.631—Developmental Disabilities—Projects of National Significance. This information is needed to complete item 10 on the SF 424.

Part V. Instructions for the Development and Submission of Applications

This Part contains information and instructions for submitting applications in response to this announcement. Application forms and other materials can be obtained by any of the following methods: Joan Rucker, ADD, 370 L'Enfant Promenade SW, Mailstop 300F, Washington, DC, 20447, 202/690–7898; http:// www. acf. dhhs. gov/programs/ add; or add@acf.dhhs.gov. Please copy and use these forms in submitting an application.

Potential applicants should read this section carefully in conjunction with the information contained within the specific priority area under which the application is to be submitted. The priority area description is in Part IV.

A. Required Notification of the State Single Point of Contact (SPOC)

All applications under the ADD priority areas are required to follow the Executive Order (E.O.) 12372 process, ''Intergovernmental Review of Federal Programs,'' and 45 CFR Part 100, ''Intergovernmental Review of Department of Health and Human Services Program and Activities.'' Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

Note: State/Territory Participation in the Intergovernmental Review Process Does Not Signify Applicant Eligibility for Financial Assistance Under a Program. A Potential Applicant Must Meet the Eligibility Requirements of the Program for Which it is Applying Prior to Submitting an Application to its SPOC, if Applicable, or to ACF.

As of November 20, 1998, all States and territories, except Alabama, Alaska, American Samoa, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, Ohio, Oklahoma, Oregon, Palau, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, and Washington, have elected to participate in the Executive Order process and have established a State Single Point of Contact (SPOC). Applicants from these jurisdictions or for projects administered by Federally recognized Indian Tribes need take no action regarding E.O. 12372. Otherwise, applicants should contact their SPOCs as soon as possible to alert them of the prospective applications and receive any necessary instructions.

Applicants must submit all required materials to the SPOC as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials and indicate the date of this submittal (or date SPOC was contacted, if no submittal is required) on the SF 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application due date to comment on proposed new or competing continuation awards. These comments are reviewed as part of the award process. Failure to notify the SPOC can result in delays in awarding grants.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those Official State process recommendations that may trigger the ''accommodate or explain'' rule.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants and Audit Resolution, 370 L'Enfant Promenade, SW, Mail Stop 326F, Washington, DC 20447, Attn: 93.631 ADD—Projects of National Significance.

Contact information for each State's SPOC is found at the ADD website (http:// www. acf.dhhs.gov/programs/ add) or by contacting Joan Rucker, ADD, 370 L'Enfant Promenade SW, Mailstop 300F, Washington, DC, 20447, 202/690–7898.

B. Notification of State Developmental Disabilities Planning Councils

A copy of the application must also be submitted for review and comment to the State Developmental Disabilities Council in each State in which the applicant's project will be conducted. A list of the State Developmental Disabilities Councils can be found at ADD's website: *http:/// www.acf.dhhs.gov/programs/add* or by contacting ''Joan Rucker, ADD, 370 L'Enfant Promenade SW, Mailstop 300F, Washington, DC, 20447, 202/690–7898

C. Instructions for Preparing the Application and Completing Application Forms

The SF 424, SF 424A, SF 424A-Page 2 and Certifications/ Assurances are contained in the application package that can be accessed as mentioned earlier in this announcement. Please prepare your application in accordance with the following instructions:

1. SF 424 Page 1, Application Cover Sheet

Please read the following instructions before completing the application cover sheet. An explanation of each item is included. Complete only the items specified.

Top of Page. Please indicate if you are applying for first time funding or implementation funds.

Item 1. ''Type of Submission''—Preprinted on the form.

Item 2. ''Date Submitted'' and ''Applicant Identifier'' —Date application is submitted to ACF and applicant's own internal control number, if applicable.

Item 3. ''Date Received By State''—State use only (if applicable).

Item 4. ''Date Received by Federal Agency''—Leave blank.

Item 5. ''Applicant Information''.

''Legal Name''—Enter the legal name of applicant organization. For applications developed jointly, enter the name of the lead organization only. There must be a single applicant for each application.

''Organizational Unit''—Enter the name of the primary unit within the applicant organization which will actually carry out the project activity. Do not use the name of an individual as the applicant. If this is the same as the applicant organization, leave the organizational unit blank.

''Address''—Enter the complete address that the organization actually

uses to receive mail, since this is the address to which all correspondence will be sent. Do not include both street address and P.O. box number unless both must be used in mailing.

''Name and telephone number of the person to be contacted on matters involving this application (give area code)''—Enter the full name (including academic degree, if applicable) and telephone number of a person who can respond to questions about the application. This person should be accessible at the address given here and will receive all correspondence regarding the application.

Item 6. ''Employer Identification Number (EIN)''—Enter the employer identification number of the applicant organization, as assigned by the Internal Revenue Service, including, if known, the Central Registry System suffix.

Item 7. ''Type of Applicant''—Self-explanatory.

Item 8. ''Type of Application''—Preprinted on the form.

Item 9. ''Name of Federal Agency''—Preprinted on the form.

Item 10. ''Catalog of Federal Domestic Assistance Number and Title''—Enter the Catalog of Federal Domestic Assistance (CFDA) number assigned to the program under which assistance is requested and its title. For ADD's priority area, the following should be entered, ''93.631—Developmental Disabilities: Projects of National Significance.''

Item 11. ''Descriptive Title of Applicant's Project''—Enter the project title. The title is generally short and is descriptive of the project, not the priority area title.

Item 12. ''Areas Affected by Project''—Enter the governmental unit where significant and meaningful impact could be observed. List only the largest unit or units affected, such as State, county, or city. If an entire unit is affected, list it rather than subunits.

Item 13. ''Proposed Project''—Enter the desired start date for the project and projected completion date.

Item 14. ''Congressional District of Applicant/Project''—Enter the number of the Congressional district where the applicant's principal office is located and the number of the Congressional district(s) where the project will be located. If Statewide, a multi-State effort, or nationwide, enter ''00.''

Items 15. Estimated Funding Levels

In completing 15a through 15f, the dollar amounts entered should reflect, for a 17-month or less project period, the total amount requested. If the proposed project period exceeds 17 months, enter only those dollar amounts needed for the first 12 months of the proposed project.

Item 15a. Enter the amount of Federal funds requested in accordance with the preceding paragraph. This amount should be no greater than the maximum amount specified in the priority area description.

Items 15b-e. Enter the amount(s) of funds from non-Federal sources that will be contributed to the proposed project. Items b-e are considered cost sharing or ''matching funds.'' The value of third party in-kind contributions should be included on appropriate lines as applicable. For more information regarding funding as well as exceptions to these rules, see Part III, Sections E and F, and the specific priority area description.

Item 15f. Enter the estimated amount of program income, if any, expected to be generated from the proposed project. Do not add or subtract this amount from the total project amount entered under item 15g. Describe the nature, source and anticipated use of this program income in the Project Narrative Statement.

Item 15g. Enter the sum of items 15a-15e.

Item 16a. ''Is Application Subject to Review By State Executive Order 12372 Process? Yes.''—Enter the date the applicant contacted the SPOC regarding this application. Select the appropriate SPOC from the listing provided at the end of Part IV. The review of the application is at the discretion of the SPOC. The SPOC will verify the date noted on the application.

Item 16b. ''Is Application Subject to Review By State Executive Order 12372 Process? No.''—Check the appropriate box if the application is not covered by E.O. 12372 or if the program has not been selected by the State for review.

Item 17. ''Is the Applicant Delinquent on any Federal Debt?''—Check the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include audit disallowances, loans and taxes.

Item 18. ''To the best of my knowledge and belief, all data in this application/preapplication are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.''—To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for signature of this application by this individual as the official representative must be on file in the applicant's office, and may be requested from the applicant.

Item 18a–c. ''Typed Name of Authorized Representative, Title, Telephone Number''—Enter the name, title and telephone number of the authorized representative of the applicant organization.

Item 18d. ''Signature of Authorized Representative'' —Signature of the authorized representative named in Item 18a. At least one copy of the application must have an original signature. Use colored ink (not black) so that the original signature is easily identified.

Item 18e. ''Date Signed''—Enter the date the application was signed by the authorized representative.

2. SF 424A—Budget Information—Non-Construction Programs

This is a form used by many Federal agencies. For this application, Sections A, B, C, E and F are to be completed. Section D does not need to be completed.

Sections A and B should include the Federal as well as the non-Federal funding for the proposed project covering (1) the total project period of 17 months or less or (2) the first year budget period, if the proposed project period exceeds 15 months.

Section A—Budget Summary. This section includes a summary of the budget. On line 5, enter total Federal costs in column (e) and total non-Federal costs, including third party in-kind contributions, but not program income, in column (f). Enter the total of (e) and (f) in column (g).

Section B—Budget Categories. This budget, which includes the Federal as well as non-Federal funding for the proposed project, covers (1) the total project period of 17 months or less or (2) the first-year budget period if the proposed project period exceeds 17 months. It should relate to item 15g, total funding, on the SF 424. Under column (5), enter the total requirements for funds (Federal and non-Federal) by object class category.

A separate budget justification should be included to explain fully and justify major items, as indicated below. The types of information to be included in the justification are indicated under each category. For multiple year projects, it is desirable to provide this information for each year of the project. The budget justification should immediately follow the second page of the SF 424A.

Personnel—Line 6a. Enter the total costs of salaries and wages of applicant/grantee staff. Do not include the costs of consultants, which should be included on line 6h, ''Other.''

Justification: Identify the principal investigator or project director, if known. Specify by title or name the percentage of time allocated to the project, the individual annual salaries, and the cost to the project (both Federal and non-Federal) of the organization's staff who will be working on the project.

Fringe Benefits—Line 6b. Enter the total costs of fringe benefits, unless treated as part of an approved indirect cost rate.

Justification: Provide a break-down of amounts and percentages that comprise fringe benefit costs, such as health insurance, FICA, retirement insurance, etc.

Travel—6c. Enter total costs of out-of-town travel (travel requiring per diem) for staff of the project. Do not enter costs for consultant's travel or local transportation, which should be included on Line 6h, ''Other.''

Justification: Include the name(s) of traveler(s), total number of trips, destinations, length of stay, transportation costs and subsistence allowances.

Equipment—Line 6d. Enter the total costs of all equipment to be acquired by the project. For State and local governments, including Federally recognized Indian Tribes, ''equipment'' is tangible, non-expendable personal property having a useful life of more than one year and acquisition cost of $5,000 or more per unit.

Justification: Equipment to be purchased with Federal funds must be justified. The equipment must be required to conduct the project, and the applicant organization or its subgrantees must not have the equipment or a reasonable facsimile available to the project. The justification also must contain plans for future use or disposal of the equipment after the project ends.

Supplies—Line 6e. Enter the total costs of all tangible expendable personal property (supplies) other than those included on Line 6d.

Justification: Specify general categories of supplies and their costs.

Contractual—Line 6f. Enter the total costs of all contracts, including (1) procurement contracts (except those which belong on other lines such as equipment, supplies, etc.) and (2) contracts with secondary recipient organizations, including delegate agencies. Also include any contracts with organizations for the provision of technical assistance. Do not include payments to individuals on this line. If the name of the contractor, scope of work, and estimated total costs are not available or have not been negotiated, include on Line 6h, ''Other.''

Justification: Attach a list of contractors, indicating the names of the organizations, the purposes of the contracts, and the estimated dollar amounts of the awards as part of the budget justification. Whenever the applicant/grantee intends to delegate part or the entire program to another agency, the applicant/grantee must complete this section (Section B, Budget Categories) for each delegate agency by agency title, along with the supporting information. The total cost of all such agencies will be part of the amount shown on Line 6f. Provide backup documentation identifying the name of contractor, purpose of contract, and major cost elements.

Construction—Line 6g. Not applicable. New construction is not allowable.

Other—Line 6h. Enter the total of all other costs. Where applicable, such costs may include, but are not limited to: insurance; medical and dental costs; noncontractual fees and travel paid directly to individual consultants; local transportation (all travel which does not require per diem is considered local travel); space and equipment rentals; printing and publication; computer use; training costs, including tuition and stipends; training service costs, including wage payments to individuals and supportive service payments; and staff development costs. Note that costs identified as ''miscellaneous'' and ''honoraria'' are not allowable.

Justification: Specify the costs included.

Total Direct Charges—Line 6i. Enter the total of Lines 6a through 6h.

Indirect Charges—6j. Enter the total amount of indirect charges (costs). If no indirect costs are requested, enter ''none.'' Generally, this line should be used when the applicant (except local governments) has a current indirect cost rate agreement approved by the Department of Health and Human Services or another Federal agency.

Local and State governments should enter the amount of indirect costs determined in accordance with HHS requirements. When an indirect cost rate is requested, these costs are included in the indirect cost pool and should not be charged again as direct costs to the grant.

In the case of training grants to other than State or local governments (as defined in title 45, Code of Federal Regulations, part 74), the Federal reimbursement of indirect costs will be limited to the lesser of the negotiated (or actual) indirect cost rate or 8 percent of the amount allowed for direct costs, exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alterations and renovations.

For training grant applications, the entry under line 6j should be the total indirect costs being charged to the project. The Federal share of indirect costs is calculated as shown above. The applicant's share is calculated as follows:

(a) Calculate total project indirect costs (a*) by applying the applicant's approved indirect cost rate to the total project (Federal and non-Federal) direct costs.

(b) Calculate the Federal share of indirect costs (b*) at 8 percent of the amount allowed for total project (Federal and non-Federal) direct costs exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alterations and renovations.

(c) Subtract (b*) from (a*). The remainder is what the applicant can claim as part of its matching cost contribution.

Justification: Enclose a copy of the indirect cost rate agreement. Applicants subject to the limitation on the Federal reimbursement of indirect costs for training grants should specify this.

Total—Line 6k. Enter the total amounts of lines 6i and 6j.

Program Income—Line 7. Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount.

Justification: Describe the nature, source, and anticipated use of program income in the Program Narrative Statement.

Section C—Non-Federal Resources. This section summarizes the amounts of non-Federal resources that will be applied to the grant. Enter this information on line 12 entitled ''Totals.'' In-kind contributions are defined in title 45 of the Code of Federal Regulations, Parts 74.51 and 92.24, as ''property or services which benefit a grant-supported project or program and which are contributed by non-Federal third parties without charge to the grantee, the subgrantee, or a cost-type contractor under the grant or subgrant.''

Justification: Describe third party in-kind contributions, if included.

Section D—Forecasted Cash Needs. Not applicable.

Section E—Budget Estimate of Federal Funds Needed For Balance of the Project. This section should only be completed if the total project period exceeds 17 months.

Totals—Line 20. For projects that will have more than one budget period, enter

the estimated required Federal funds for the second budget period (months 13 through 24) under column ''(b) First.'' If a third budget period will be necessary, enter the Federal funds needed for months 25 through 36 under ''(c) Second.'' Columns (d) and (e) are not applicable in most instances, since ACF funding is almost always limited to a three-year maximum project period. They should remain blank.

Section F—Other Budget Information.

Direct Charges—Line 21. Not applicable.

Indirect Charges—Line 22. Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Remarks—Line 23. If the total project period exceeds 17 months, you must enter your proposed non-Federal share of the project budget for each of the remaining years of the project.

3. Project Summary/Abstract

Clearly mark this separate page with the applicant name as shown in item 5 of the SF 424, the priority area number as shown at the top of the SF 424, and the title of the project as shown in item 11 of the SF 424. The summary description should not exceed 300 words. These 300 words become part of the computer database on each project.

Care should be taken to produce a summary description that accurately and concisely reflects the proposal. It should describe the objectives of the project, the approaches to be used and the outcomes expected. The description should also include a list of major products that will result from the proposed project, such as software packages, materials, management procedures, data collection instruments, training packages, or videos (please note that audiovisuals must be closed captioned and audio described). The project summary description, together with the information on the SF 424, will constitute the project ''abstract.'' It is the major source of information about the proposed project and is usually the first part of the application that the reviewers read in evaluating the application.

4. Project Description

The Project Description is a very important part of an application. It should be clear, concise, and address the specific requirements mentioned under the priority area description in Part IV. The narrative should also provide information concerning how the application meets the evaluation criteria, using the following headings:

(a) Objectives and Need for Assistance;

(b) Results and Benefits Expected;

(c) Approach; and

(d) Organization Profile.

The specific information to be included under each of these headings is described in Section G of Part III, General Instructions for the Uniform Project Description, and under part IV, Evaluation Criteria.

The narrative should be typed double-spaced on a single-side of an 8½″ x 11″ plain white paper, with 1″ margins on all sides, using black print no smaller than 12 pitch or 12 point size. All pages of the narrative (including charts, references/footnotes, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with ''Objectives and Need for Assistance'' as page number one. Applicants should not submit reproductions of larger size paper, reduced to meet the size requirement.

The length of the application, including the application forms and all attachments, should not exceed 60 pages. This will be strictly enforced. A page is a single side of an 8½″ x 11″ sheet of paper. Applicants are requested not to send pamphlets, brochures or other printed material along with their application as these pose copying difficulties. These materials, if submitted, will not be included in the review process if they exceed the 60-page limit. Each page of the application will be counted to determine the total length.

5. Part V—Assurances/Certifications

Applicants are required to file a SF 424B, Assurances—Non-Construction Programs and the Certification Regarding Lobbying. Both must be signed and returned with the application. Applicants must also provide certifications regarding: (1) Drug-Free Workplace Requirements; and (2) Debarment and Other Responsibilities. These two certifications are self-explanatory. Copies of these assurances/certifications can be obtained from the ADD website (*http://www.acf.dhhs.gov/programs/add*) or by contacting Joan Rucker, ADD, 370 L'Enfant Promenade SW, Mailstop 300F, Washington, DC 20447, 202/690–7898. These forms can be reproduced, as necessary. A duly authorized representative of the applicant organization must certify that the applicant is in compliance with these assurances/certifications. *A signature on the SF 424 indicates compliance with the Drug Free Workplace Requirements, and Debarment and Other Responsibilities certifications, and need not be mailed back with the application.*

In addition, applicants are required under section 162(c)(3) of the Act to provide assurances that the human rights of all individuals with developmental disabilities (especially those individuals without familial protection) who will receive services under projects assisted under Part E will be protected consistent with section 110 (relating to the rights of individuals with developmental disabilities). Each application must include a statement providing this assurance.

For research projects in which human subjects may be at risk, a Protection of Human Subjects Assurance may be required. If there is a question regarding the applicability of this assurance, contact the Office for Research Risks of the National Institutes of Health at (301) 496–7041.

E. Checklist for a Complete Application

The checklist below is for your use to ensure that your application package has been properly prepared.

__One original, signed and dated application, plus two copies. Applications for different priority areas are packaged separately;

__Application is from an organization that is eligible under the eligibility requirements defined in the priority area description (screening requirement);

__Application length does not exceed 60 pages, unless otherwise specified in the priority area description.

A complete application consists of the following items in this order:

__Application for Federal Assistance (SF 424, REV 4–88);

__A completed SPOC certification with the date of SPOC contact entered in line 16, page 1 of the SF 424 if applicable.

__Budget Information—Non-Construction Programs (SF 424A, REV 4–88);

__Budget justification for Section B—Budget Categories;

__Proof of designation as lead agency;

__Table of Contents;

__Letter from the Internal Revenue Service, etc. to prove non-profit status, if necessary;

__Copy of the applicant's approved indirect cost rate agreement, if appropriate;

__Project Description (See Part III, Section C);

__Any appendices/attachments;

__Assurances—Non-Construction Programs (Standard Form 424B, REV 4–88);

__Certification Regarding Lobbying;

__Certification of Protection of Human Subjects, if necessary; and

__Certification of the Pro-Children Act of 1994 (Environmental Tobacco Smoke), signature on the application represents certification.

F. The Application Package

Each application package must include an original and two copies of the complete application. Each copy should be stapled securely (front and back if necessary) in the upper left-hand corner. All pages of the narrative (including charts, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with page one. In order to facilitate handling, please do not use covers, binders or tabs. Do not include extraneous materials as attachments, such as agency promotion brochures, slides, tapes, film clips, minutes of meetings, survey instruments or articles of incorporation.

G. Paperwork Reduction Act of 1995 (Pub. L. 104–13)

The Uniform Project Description information collection within this announcement is approved under the Uniform Project Description (0970–0139), Expiration Date 12/31/2003.

Public reporting burden for this collection of information is estimated to average 10 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. (Federal Catalog of Domestic Assistance Number 93.631 Developmental Disabilities—Projects of National Significance)

Dated: April 3, 2001.

Sue Swenson,

Commissioner, Administration on Developmental Disabilities.

[FR Doc. 01–8572 Filed 4–6–01; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. ACYF–PA–HS–2001–05A]

Fiscal Year 2001 Discretionary Announcement of the Availability of Funds and Request for Applications for Nationwide Expansion Competition of Early Head Start; Correction

AGENCY: Administration for Children, Youth and Families, ACF, DHHS.

ACTION: Correction.

SUMMARY: This document contains a correction to the Notice that was published in the **Federal Register** on March 7, 2001. All the Counties, cities, and towns and communities added by this Correction Notice are geographical areas currently being served by existing Early Head Start grantees and are not open for competition by new Early Head Start programs. However, these areas are available for expansion by existing grantees. The geographical areas deleted by this Correction Notice are open for competition by new Early Head Start programs.

On page 13746, in the **SUPPLEMENTARY INFORMATION** section, in the ''Eligible Applicants'' subsection, delete the entire paragraph and replace with the following paragraph: ''Applicants eligible to apply to become an Early Head Start program are local public and private non-profit and for-profit entities. Early Head Start and Head Start grantees are eligible to apply. Only Tribal governing bodies may apply to establish or expand programs on their respective Federal Indian Reservations. Applicants are reminded that eligibility to apply for a grant under this Notice is limited to local agencies, as defined in Section 641(a) and (b) of the Head Start Act.

The following changes need to be made to the ''FY 2001 Expansion Service Areas Matrix'':

On page 13748, in the State of California, in the County Column, delete the County of ''Lassen'', and beside it in the Service Area Column delete ''Entire County''. In the County of ''Siskiyou'', in the Service Area Column delete ''Entire County'' and replace it with ''Weed''. On page 13749, in the State of California, in the County of ''Trinity'', in the Service Area Column delete ''Entire County'' and replace it with ''Weaverville and Hayfork''.

On page 13751, in the State of Idaho, before the County of ''Bonner'', add the County of ''Ada'', and beside it in the Service Area Column add ''Entire County''.

On page 13752, in the State of Illinois, in the County of ''Lake'', in the Service Area Column delete ''Entire County'' and replace it with the ''Town of Waukegan''.

On page 13752, in the State of Indiana, delete the County of ''Ada'', and beside it in the Service Area Column delete ''Entire County''.

On page 13755, in the State of Maryland, in the County of ''Montgomery'', in the Service Area Column delete ''(2) Rockville South of Route 28, Silver Spring and Takoma Park.'' and replace it with ''(2) Rockville, Silver Spring, Wheaton and Takoma Park''. In Maryland, in the County of ''Prince Georges'', in the Service Area Column delete ''Hyattsville, Riverdale and Langley Park'' and replace it with ''Hyattsville, Riverdale, Langley Park, Greenbelt, Adelphi, College Park, Glendarden, Capital Heights, and Landover''.

On page 13756, in the State of Michigan, in the County of ''Jackson'', in the Service Area Column delete ''North of I–94 to Seymore Rd., South of I–94 to US–12, East of US–127 to Clear Lake Rd., West of US–127 to M–99'' and delete ''The cities and towns of Brooklyn, Cement City, Clarke Lake, Concord, Grass Lake, Horton, Jackson, Michigan Center, Napolean, Parma, Spring Harbor, and Springport'' and replace with ''Entire County''. In the State of Michigan, in the County of ''Ottawa'', in the Service Area Column delete ''Town of Ferrysburg, Grand Haven Township, Spring Lake Township, Crockery Township, and Robinson Township'', and replace in the Service Area Column with ''Town of Ferrysburg, Grand Haven Township, Spring Lake Township, Crockery Township, Robinson Township, Holland, West Olive and Allendale''. On page 13757, in the State of Michigan, after ''Ingham'' County, add the County of ''Hillsdale'', and add in the Service Area Column ''North of US 12 to the Jackson County line; City of Hillsdale''.

On page 13759, in the State of New Jersey, in the County of ''Morris'', in the Service Area Column delete ''Entire County'' and replace with ''Netcong, Dover and Victory Gardens''.

On page 13760, in the State of New York, in the County of ''Rockland'', in the Service Area Column delete ''Spring Valley'', and replace with ''Village of New Square''. In the State of New York, in the County Column delete ''Suffork/Nassau'' and replace with ''Suffolk''.

On page 13760, after the State of North Carolina and all its Counties and service areas, add the State of ''North

Dakota''. In North Dakota add the following Counties: ''Barnes'', ''Stutsman'', ''Dickey'', ''Eddy'', ''Foster'', ''Griggs'', ''LaMoure'', ''Logan,'' and ''McIntosh'' and beside each County add ''Entire County''. In North Dakota, add the County of ''Benson'', and beside it in the Service Area Column add: ''(1) Spirit Lake Reservation; and (2) Entire County with the exception of the Spirit Lake Reservation boundary''. In North Dakota, add the County of ''Ramsey'', and beside it in the Service Area Column add ''Entire County with the exception of the Spirit Lake Reservation boundary''. In North Dakota, add the County of ''Wells'', and beside it in the Service Area Column add ''Entire County''. In North Dakota, add the County of ''Ward'', and beside it in the Service Area Column add ''Minot Public School District #1 Boundary, which includes the Minot Air Force Base''. In North Dakota, add the County of ''Sioux'', and beside it in the Service Area Column add ''Boundaries of Standing Rock Reservation''. In North Dakota, add the County of ''Grant'', and beside it in the Service Area Column add ''Boundaries of Standing Rock Reservation''. In North Dakota, add the counties of ''Nelson'', ''Steele'', and ''Traille'', and beside each County add ''Entire County''. In North Dakota, add the County of ''Grand Forks'', and beside it in the Service Area Column add ''Emerado, Larimore, Niagra, Northwood, Reynolds, Thompson and rural portion of the County''.

On page 13761, in the State of Pennsylvania, in ''Allegheny'' County, in the Service Area Column delete ''Towns of Terrace Village, Clairton, West Mifflin, Elizabeth, McKees Rocks, and Stowe Township in the City of Pittsburgh'' and replace it in the Service Area Column with ''Hill District, Uptown, Upper Hill, Middle Hill, Lower Hill, South Oakland, North Oakland, Clairton, City of Clairton, West Mifflin, Wilson, Jefferson, Glassport, Elizabeth, Dravosburg, Sto-Rox, McKees Rocks Borough, Kennedy Township, Esplen, Neville Island and Stowe Township''.

On page 13763, in the State of Texas, in the County Column, delete ''Bextar'' and replace with ''Bexar''. In the State of Texas, in the County of ''Cameron'', delete the following Service Area Column description: ''City of Harlingen: an area bounded by Harrison Street on the South, by Expressway 77 on the West, by F.M. 507 on the North and by F.M. 509 on the East'' and replace it in the Service Area Column with ''City of Harlingen: an area bounded by Harrison Street on the South; by Expressway 77 on the West; by F.M. 507 on the North; and by F.M. 509 on the East; and the cities of Brownsville, San Benito and Port Isabel''. On page 13764, in the State of Texas, in the County of ''Willacy'', in the Service Area Column delete ''Brownsville, San Benito, Port Isabel, and Raymoudville'' and replace it with ''Raymoudville''. On page 13765, in the State of Texas, at the end of all the Counties, add the County of ''Tarrant'' and beside it in the Service Area Column add ''Entire County''.

On page 13765, in the State of Virginia, delete the County of ''Arlington'' and replace it with the County of ''Alexandria''. Beside it, the Service Area Column remains the same (''City of Alexandria: Rt. 1 Corridor''. In the State of Virginia, in ''Prince William'' County, in the Service Area Column delete ''Manassas and Manassas Park'' and replace it with ''Entire County''.

On page 13766, after the State of Washington and all its Counties and service areas, add the State of ''West Virginia''. In West Virginia, add the following Counties; ''Booke'', ''Marshall'', and ''Wetzel'', and beside each County add ''Entire County''. In West Virginia, add the County of ''Cabel'', and beside it in the Service Area Column add ''Cities of Huntington and Barboursville''. In West Virginia, add the County of ''Lincoln'', and beside it in the Service Area Column add ''Towns of Harts and Ranger''. In West Virginia, add the County of ''Wayne'', and beside it in the Service Area Column add ''Towns of Crum and Fort Gay''. In West Virginia, add the County of ''Marion'', and beside it in the Service Area Column add ''City of Fairmont''. In West Virginia, add the following Counties: ''Randolph'', ''Tucker'', ''Preston'', ''Mongalia'', and ''Wyoming'' and beside each of these Counties in the Service Area Column add ''Entire County''.

On page 13766, after the State of West Virginia and all its Counties and service areas, add the State of ''Wisconsin''. In Wisconsin, add the following Counties: ''Adams'', ''Columbia'', ''Dodge'', ''Juneau'', ''Sauk'', ''Dane''. ''Barron'', ''Chippewa'', ''Dunn'', ''Grant'', and ''Richland'', and beside each County add ''Entire County''. In Wisconsin, add the County of ''Kenosha'', and beside it in the Service Area Column add ''City of Kenosha; Neighborhoods of: Wilson Heights and Bain''. In Wisconsin, add the following Counties: ''Brown'', ''Manitowac'', ''Forest'', ''Oneida'', ''Vilas'', ''Pierce'', ''Polk'', ''Pepin'', and ''St. Croix'', and beside each County add ''Entire County''. In Wisconsin, add the County of ''Milwaukee'', and beside it in the Service Area Column add ''City of Milwaukee—North: Capital Drive; East: Hwy 43; South: Wisconsin Ave.; and West: Sherman. In Wisconsin, add the County of ''Waukesha'', and beside it in the Service Area Column add ''Entire County''. In Wisconsin, add the County of ''Kesheua′, and beside it in the Service Area Column add ''Menominee Reservation''.

FOR FURTHER INFORMATION CONTACT: The ACYF Operations Center at 1–800–351–2293 or send an email to *ehs@lcgnet.com.* You can also contact Sherri Ash, Early Head Start, Head Start Bureau at (202) 205–8562.

Dated: April 2, 2001.

James A. Harrell,

Acting Commissioner, Administration on Children, Youth and Families.

[FR Doc. 01–8573 Filed 4–6–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Statement of Organization, Functions, and Delegations of Authority; Correction

AGENCY: Office of Administration (OA), ACF, DHHS.

ACTION: Notice; correction.

SUMMARY: This notice corrects the Statement of Organization, Functions, and Delegations of Authority published on February 27, 2001 (66 FR 12525).

FOR FURTHER INFORMATION CONTACT: Gabrielld Mitchell, Administration for Children and Families, Office of Administration, 370 L'Enfant Promenade, SW., Washington, DC 20447, Phone: 202–401–5102.

Correction

In our notice issued February 27, 2001 (66 FR 12525), make the following correction. On page 12526 in the third column, paragraph D, third line, insert ''Secretary, through the Deputy Assistant Secretary for Administration, on,'' after the word, ''Assistant.''

Dated: April 2, 2001.

Carol Carter Walker,

Acting Deputy Assistant Secretary for Administration.

[FR Doc. 01–8574 Filed 4–6–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Safety Issues Pertaining to the Use of Flow Cytometry to Sort Human Cells for Clinical Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting.

The Food and Drug Administration (FDA), Center for Biologics Evaluation and Research (CBER), is announcing the following public meeting: ''Safety Issues Pertaining to the Use of Flow Cytometry to Sort Human Cells for Clinical Applications.'' The public meeting is cosponsored by the International Society for Analytical Cytology (ISAC). The topics to be discussed are the scientific and technological issues related to developing voluntary safety protocols, which will be used to help ensure the safety of human cells that are sorted using flow cytometry for clinical applications.

Date and Time: The meeting will be held on April 20, 2001, from 9 a.m. to 5 p.m.

Location: The public meeting will be held in Wilson Hall, Building 1, National Institutes of Health, Bethesda, MD 20892.

Contact: Michele Keane-Moore, Center for Biologics Evaluation and Research (HFM–594), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, 301–827–5102, FAX 301–827–5395, or e-mail to: keane-moore@cber.fda.gov.

Registration and Requests for Oral Presentations: Send or fax your registration information (including name, title, organization name, address, telephone, fax number, and e-mail address) and written material and requests to make oral presentations, to Michele Keane-Moore (address above) by Friday, April 13, 2001. There is no registration fee for the public meeting. Due to limited seating, interested parties are encouraged to register early. Registration at the site will be done on a space-available basis on the day of the workshop, beginning at 8 a.m.

If you need special accommodations due to a disability, contact Michele Keane-Moore at least 7 days in advance.

SUPPLEMENTARY INFORMATION: The meeting on ''Safety Issues Pertaining to the Use of Flow Cytometry to Sort Human Cells for Clinical Applications'' will provide a forum for members of the public to discuss issues about maintaining the safety of cells prepared using flow cytometry.

The meeting is cosponsored by CBER and ISAC. The meeting will be of primary interest to public health professionals developing clinical protocols that use flow cytometry to sort human cells for readministration to patients and to manufacturers of these instruments. The objectives of the public meeting are to identify the safety issues related to using flow cytometry to sort populations of human cells and to establish a working group to formulate voluntary safety protocols that will help investigators ensure the safety and quality of cell-sorted products. The public meeting will specifically address: (1) The protection of flow cytometer operators from potential human pathogens, (2) the protection of the cellular product from contamination, (3) the cleaning and sterilization of the flow cytometer to help ensure a viable cellular product, and (4) other issues related to the development and adoption of these voluntary safety protocols.

Transcripts: Transcripts of the public meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, approximately 15 working days after the public meeting at a cost of 10 cents per page. The transcript will also be available on the Internet at http://www.fda.gov/cber/minutes/workshop-min.htm.

Dated: April 3, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–8641 Filed 4–6–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; a Follow-Up Survey of National Cancer Institute Science Enrichment Program Students

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Cancer Institute, the Nation Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

PROPOSED COLLECTION: *Title:* A Follow-up Survey of National Cancer Institute Science Enrichment Program Students. *Type of Information Collection Request:* New. *Need and Use of Information Collection:* This survey will investigate the long-term effects of the National Cancer Institute's Science Enrichment Program. The primary objective of the survey is to determine if past NCI SEP student participants are pursuing science education and science careers. The findings will provide information regarding the effectiveness of the program and will inform decisions about continuing and expand the program. *Frequency of Response:* One time. *Affected Public:* Individuals. *Type of Respondents:* Young adults (18–23 years old). The annual reporting burden is as follows: Estimated Number of Respondents: 930; *Estimated Number of Responses per Respondent:* 1; Average Burden Hours *Per Response:* .2500; and *Estimated Total Annual Burden Hours Requested:* 233. The annualized cost to respondents is estimated at $583. There are no Capital Costs, Operating Costs and/or Maintenance Costs to report.

REQUEST FOR COMMENTS: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Mr. Frank Jackson, Office of Special Populations Research, National Cancer Institute, National Institutes of Health, Executive Plaza South, Room 320, 6120 Executive Boulevard, Rockville, MD 20852, or call non-toll-free number (301) 496–8589, or E-mail your request, including your address to: *fj12i@nih.gov*

COMMENTS DUE DATE: Comments regarding this information collection are best assured of having their full effect if received on or before June 8, 2001.

Dated: April 2, 2001.

Reesa L. Nichols,

NCI Project Clearance Liaison.

[FR Doc. 01–8677 Filed 4–6–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute

Development of SH2 Domain Antagonists

An opportunity is available for a Cooperative Research and Development Agreement (CRADA) for the purpose of collaborating with the NCI intramural Laboratory of Medicinal Chemistry (LMC) on further research and development of U.S. government-owned technology encompassed within U.S. Patent Application Serial Nos. 60/126,047 entitled ''Phenylalanine Derivatives'' 60/226,671 entitled ''SH2 Domain Binding Inhibitors''; and, 60/221,525 entitled ''Inhibition of Cell Motility and Angiogenesis''.

AGENCY: National Cancer Institute, National Institutes of Health, PHS, DHHS.

ACTION: Notice of opportunity for Cooperative Research and Development Agreement (CRADA).

SUMMARY: Pursuant to the Federal Technology Transfer Act of 1986 (FTTA, 15 U.S.C. 3710; and Executive Order 12591 of April 10, 1987, as amended, the National Cancer Institute (NCI) of the National Institutes of Health (NIH) of the Public Health Service (PHS) of the Department of Health and Human Services (DHHS) seeks a Cooperative Research and Development Agreement (CRADA) with a pharmaceutical or biotechnology company to develop SH2 domain antagonists potentially useful for the treatment of cancers wherein the role of hepatocyte growth factor (HGF) in stimulating tumor invasiveness and metastasis is well-established. The CRADA would have an expected duration of one (1) to five (5) years. The goals of the CRADA include the rapid publication of research results and timely commercialization of products, methods of treatment or prevention that may result from the research. The CRADA Collaborator will have an option to negotiate the terms of an exclusive or non-exclusive commercialization license to subject inventions arising under the CRADA and which are subject of the CRADA Research Plan, and can apply for background licenses to the existing patent described above, subject to any pre-existing licenses already issued for other fields of use.

ADDRESSES: Proposals and questions about this CRADA opportunity may be addressed to Dr. Bjarne Gabrielsen, Technology Transfer Branch, National Cancer Institute-Frederick Cancer Research & Development Center, Fairview Center, Room 502, Frederick, MD 21701 (phone: 301–846–5465, fax: 301–846–6820).

Scientific inquiries should be directed to Dr. Terrence Burke, Jr., Principal Investigator, Laboratory of Medicinal Chemistry, National Cancer Institute-Frederick, Bldg. 376, Rm 210, Frederick, MD 21702–1201 (phone: 301–846–5906; fax: 301–846–6033; e-mail tburke@helix.nih.gov).

EFFECTIVE DATE: Inquiries regarding CRADA proposals and scientific matters may be forwarded at any time. Confidential preliminary CRADA proposals, preferably two pages or less, must be submitted to the NCI on or before May 9, 2001. Guidelines for preparing final CRADA proposals will be communicated shortly thereafter to all respondents with whom initial confidential discussions will have established sufficient mutual interest.

SUPPLEMENTARY INFORMATION:

Technology Available

DHHS scientists within the LMC, NCI, have discovered a novel class of compounds that bind with high affinity to Grb2 SH2 domains in extracellular assays and block Grb2-associated signaling in whole cell systems. These agents have been shown to inhibit Met-dependent growth factor-stimulated cell migration at low nanomolar concentrations. Details are in U.S. Patent Application Serial Nos. 60/126,047, 60/226,671 and 60/221,525 available under an appropriate Confidential Disclosure Agreement.

Technology Sought

Accordingly, DHHS now seeks collaborative arrangements to provide more extensive biological evaluation of both current and new inhibitors to Grb2-associated signaling under development within the Laboratory of Medicinal Chemistry, NCI. The ultimate purpose of the collaboration would be to develop the most promising agents into clinical trials against Met-dependent cancers. For collaboration with the commercial sector, a Cooperative Research and Development Agreement (CRADA) will be established to provide for equitable distribution of intellectual property rights developed under the CRADA. CRADA aims will include rapid publication of research results as well as full and timely exploitation of commercial opportunities.

NCI and Collaborator Responsibilities

The role of the LMC, NCI in this CRADA will include, but not be limited to:

1. Providing intellectual, scientific, and technical expertise and experience to the research project.
2. Providing the Collaborator with pertinent available compounds for investigation/evaluation.
3. Planning research studies and interpreting research results.
4. Publishing research results.

The role of the CRADA Collaborator may include, but not be limited to:

1. Providing significant intellectual, scientific, and technical expertise or experience to the research project.
2. Planning research studies and interpreting research results.
3. Providing technical expertise and/or financial support for CRADA-related research as outlined in the CRADA Research Plan.
4. Publishing research results.

Selection criteria for choosing the CRADA Collaborator may include, but not be limited to:

1. The ability to collaborate with NCI on further research and development of this technology. This ability can be demonstrated through experience and expertise in this or related areas of technology indicating the ability to contribute intellectually to on-going research and development.
2. Expertise and experience in the following areas: Conducting extracellular ligand binding assays and providing IC_{50} values against a wide panel of relevant SH2 domains, including Grb2 SH2 domain, as well as protein-tyrosine binding domains and other potentially relevant signal transduction targets; conducting thorough examinations in whole cell assays of effects of inhibitors on intracellular signaling phenomena; examination of effects of inhibitors on cellular mitogenesis, motility, invasiveness and anti-angiogenic properties; conducting animal studies using relevant tumor model systems.
3. The demonstration of adequate resources to perform the research, development and commercialization of this technology (e.g. facilities, personnel and expertise) and accomplish objectives according to an appropriate timetable to be outlined in the CRADA Collaborator's proposal.
4. The willingness to commit best effort and demonstrated resources to the research, development and commercialization of this technology.

5. The demonstration of expertise in the commercial development, production, marketing and sales of products related to this area of technology.

6. The willingness to cooperate with the National Cancer Institute in the timely publication of research results.

7. The agreement to be bound by the appropriate DHHS regulations relating to human subjects, and all PHS policies relating to the use and care of laboratory animals.

8. The willingness to accept the legal provisions and language of the CRADA with only minor modifications, if any. These provisions govern the equitable distribution of patent rights to CRADA inventions. Generally, the rights of ownership are retained by the organization that is the employer of the inventor, with (1) the grant of a license for research and other Government purposes to the Government when the CRADA Collaborator's employee is the sole inventor, or (2) the grant of an option to elect an exclusive or non-exclusive license to the CRADA Collaborator when the Government employee is the sole inventor.

Dated: March 29, 2001.

Kathleen Sybert,

Chief, Technology Transfer Branch, National Cancer Institute, National Institutes of Health.

[FR Doc. 01–8678 Filed 4–6–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: April 17, 2001.

Time: 11:30 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Natcher Bldg., Rm 5As.25u, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: John R. Lymangrover, PhD., Scientific Review Administrator, National Institutes of Health, NIAMS, Natcher Bldg., Room 5As25N, Bethesda, MD 20892, 301–594–4952.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: April 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–8674 Filed 4–6–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental and Craniofacial Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 01–18, Review of R01 Grants.

Date: April 25, 2001.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Pooks Hill, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Anna Sandberg, PhD., Scientific Review Administrator, National Institute of Dental & Craniofacial Res., 45 Center Drive, Natcher Building, Rm. 4AN44F, Bethesda, MD 20892, (301) 594–3089.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 01–36, Review of P01, Interview of Applicant.

Date: May 4, 2001.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Pooks Hill, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: H. George Hausch, PhD., Chief, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 01–38, Review/Interview site visit.

Date: May 23–24, 2001.

Time: 7:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, Bethesda, MD 20814.

Contact Person: H. George Hausch, PhD., Chief, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 01–40, RFA Review-Oral Cancer Prevention.

Date: June 15, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Deborah P. Beebe, Chief, Rockledge Center II, 6701 Rockledge Drive, Suite 7178, Bethesda, MD 20892–7924, 301/435/0270, beebed@nih.gov.

(Catalogue of Federal Domestic Assistance program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: April 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–8675 Filed 4–6–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material,

and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel.

Date: May 2, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: Lajolla Cove Suites, 1155 S. Coast Blvd., Lajolla, CA 92037.

Contact Person: Phillip F. Wiethorn, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–9223.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: April 2, 2001.

Laverne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–8676 Filed 4–6–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Request for Feedback—Consumer and Family Members Involvement in the Development of Managed Mental Health and Substance Abuse Programs

AGENCY: Substance Abuse and Mental Health Services Administration (SAMHSA), HHS.

ACTION: Request for feedback—consumer and family members involvement in the development of managed mental health and substance abuse programs.

The Substance Abuse and Mental Health Services Administration (SAMHSA) is charged by statute (42 U.S.C. 290aa) to encourage public and private entities that provide health insurance to provide benefits for mental health and substance abuse services. The tremendous growth of managed care over the last ten years has already dramatically changed the ways that public sector mental health and substance abuse services are organized and funded. The numbers of persons enrolled in managed care programs under Medicaid has increased from 10% in 1991 to 54% in 1998, with escalating numbers of persons with disabilities included under the programs. The number of States with managed care programs in public mental health and substance abuse programs has tripled in three years, from 14 States in 1996 to 42 States in 1999. Of the 42 States, 23 States—more than half—operate multiple managed behavioral healthcare programs.

SAMHSA has engaged in a number of projects to improve the genuine participation of consumers and family members in the design, procurement, implementation and evaluation of managed care programs in the public system. Under SAMHSA's Office of Managed Care, a group of consumers, family members and advocacy groups developed the *Partners in Planning Guide* to educate consumers and family members on becoming active in designing managed care systems in their State. A related project supported training on the Guide at national and grassroots venues to advocates as well as persons with mental illnesses and/or chemical dependencies.

Yet the impact of these other efforts to promote greater inclusion of consumers and family members in system design remains largely unmeasured. SAMHSA is now interested in receiving consumers/survivor, persons in recovery from substance abuse disorders and family members views and/or perceptions as it relates to their *involvement* in the development of mental health and substance abuse programs for managed care organizations in different States.

SAMHSA would appreciate feedback in the following areas on *involvement by* consumer and family members of mental health or substance abuse services:

- Designing and procuring systems of care in public mental health and substance abuse.
- Evaluating and monitoring public managed care systems that involve mental health and substance abuse services.
- Participating on mental health or substance abuse governing or advisory boards.
- Receiving compensation for representing consumer or family members, such as travel expenses or honorarium.
- How involvement has improved or worsened over the past five years.
- Overall comments about consumer/family members participation in managed care issues.
- Training, publications, web sites, coalitions, legislation, and media/public education that have been helpful.

The resulting information will be shared with SAMHSA leadership and constituents for identifying what works and best practices, but to also guide SAMHSA activities to further promote involvement of consumer and family members in managed care.

Send comments to Stephanie Wright, Program Analyst, Office of Managed Care, SAMHSA, Room 10–105, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, via email at *swright@samhsa.gov,* or fax at 301–443–8711. Comments would be most helpful if they are received by May 9, 2001. Please include your name, title, affiliation and phone number for clarification, if necessary.

Dated: April 3, 2001.

Richard Kopanda,

Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 01–8617 Filed 4–6–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4655–N–09]

Notice of Proposed Information Collection: Comment Request; Contract and Subcontract Activity Reporting for Housing's Multifamily Programs

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* June 8, 2001

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Building, Room 8202, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, U.S. Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone number (202) 708–3000, (this is not a toll-free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1955 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Contract and Subcontract Activity Reporting for Housing's Multifamily Programs.

OMB Control Number, if applicable: 2502–0355.

Description of the need for the information and proposed use: The collection of data on Minority Business Enterprise (MBE) participation in HUD programs is a Departmental responsibility and responds to Executive Orders 11625 and 12432. The data is vital to monitoring programs toward accomplishing MBE goals.

Agency form numbers, if applicable: HUD–2516.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated number of respondents is 569, the frequency of responses is 2, the number of burden hours per response is 1 hour, and the annual burden hours requested are 1138.

Status of the proposed information collection: Reinstatement without change of previously approved collection for which approval has expired.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: April 2, 2001.

Sean G. Cassidy,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 01–8667 Filed 4–6–01; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4649–N–15]

Notice of Proposed Information Collection: Comment Request; Technical Assistance for Community Planning and Development Programs

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* June 8, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Shelia E. Jones, Reports Liaison Officer, Department of Housing and urban Development, 451 7th Street, SW., Room 7230, Washington DC 20410.

FOR FURTHER INFORMATION CONTACT: Penny McCormack, (202) 708–3176, ext. 4391 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Technical Assistance For Community Planning and Development Programs.

OMB Control Number, if applicable: 2506–0166.

Description of the need for the information and proposed use: Application information is needed to determine competition winners, i.e., those technical assistance (TA) providers best able to offer local jurisdictions an ability to shape their CPD resources and other available resources into effective, coordinated, neighborhood and community development strategies to revitalize and physically, socially and economically strengthen their communities. The application for the competition requires the completion of Standard Forms 424, 424B, LLL (if engaged in lobbying), HUD Forms 424M, 50070, 50071, 2880 and 2992, as well as supplementary information such as a transmittal letter, identification of field offices to be served and amounts of funds requested for each field office, a statement as to the use of pass-through funds and qualification as a primarily single-State provider, a narrative statement addressing the factors for award, and a budget summary for each program. After awards are made, providers are required to submit a work plan which includes a planned schedule for accomplishing each of the planned activities/tasks to be accomplished with TA funds, the amount of funds budgeted for each activity/task and the staff and other resources allocated to each activity/task. Narrative quarterly reports are required so that the provider's performance can be evaluated and measured against the workplan. Quarterly reports also require the submission of the SF 269A, a financial status report. A narrative final report and final SF 269A are also required.

Agency form numbers, if applicable: SF–424, SF–424B, SF–LLL, HUD–424M, HUD–50070, HUD–50071, HUD–2880 and HUD 2992.

Members of affected public: Organizations or State and local governments equipped to provide technical assistance to recipients of CPD programs.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The FY 2000 Notice of Funding Availability (NOFA) for technical assistance providers for CPD programs elicited approximately 152 responses. It is anticipated that approximately the same number will respond to the current NOFA. Awards were made to 55 providers and it is

expected that approximately the same number will be awarded during this round of funding. The Department estimates that each applicant will require an average of 60 hours to prepare an application. Winners of the competition will be required to develop a work plan, requiring approximately eight hours, submit quarterly reports needing approximately four hours each (including a final report) and perform recordkeeping to include submission of vouchers for reimbursement, estimated at 12 hours annually. Because these actions are undertaken for each field office in which the applicant won funds, the numbers reflect more than the base number of winners. Approximately 208 workplans will be developed as a result of the FY 2000 competition and each will require quarterly reports and recordkeepiing. The specific numbers are as follows:

	Number of respondents	Number of responses per respondent frequency	Total annual responses	Hours per response	Total hours
Applctns	152	1	152	60	9120
Workplan Devlpmnt	208	1	208	20	4160
Qrtly Reports (incl final report)	208	4	832	6	4992
Rcrdkpng	208	12	2496	2	4992
Total			3688		23264

Status of the proposed information collection: Reinstatement.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: April 3, 2001.

Donna M. Abbenante,

Acting General Deputy Assistant Secretary.

[FR Doc. 01–8668 Filed 4–6–01; 8:45 am]

BILLING CODE 4210–29–M

INTER-AMERICAN FOUNDATION

Sunshine Act Meeting

TIME AND DATE: April 23, 2001, 2:00–5:30 p.m.

PLACE: Hotel Camino Real Oaxaca, Calle 5 de Mayo 300 N, Oaxaca, Oaxaca, Mexico.

STATUS: Open session.

MATTERS TO BE CONSIDERED:

- Approval of the Minutes of the January 30, 2001, Meeting of the Board of Directors
- Review of the Foundation's Grant Portfolio in Mexico
- President's Report
- Congressional Appropriations Update
- Advisory Council
- Country Priority Strategy

CONTACT PERSON FOR MORE INFORMATION: Carolyn Karr, General Counsel, (703) 306–4350.

Dated: April 4, 2001.

Carolyn Karr,

General Counsel.

[FR Doc. 01–8758 Filed 4–5–01; 11:24 am]

BILLING CODE 7025–01–U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Application for an Incidental Take Permit and Receipt of a Habitat Conservation Plan for the American Bald Eagle, Gaston County, NC

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Pinsto, Inc. (Applicant) has made an application for an incidental take permit (ITP) from the Fish and Wildlife Service (Service) pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), as amended. The proposed ITP would allow take of the American bald eagle (Haliaeetus leucocephalus), a federally listed threatened species, incidental to residential development. The permit would authorize take of American bald eagles at an existing nest site located on the Applicant's property and would authorize take of American bald eagles associated with any future nests that might occur on the property. Destruction of the nest or the tree in which the nest is located is not requested by the Applicant. Rather, the proposed incidental take will occur as the result of harm and harassment to the eagles resulting from residential construction activities surrounding the nest.

As described in the Applicant's habitat conservation plan (HCP), impacts will be minimized and mitigated by altering the Applicant's infrastructure plans to come no closer than 150 feet to the nest. The Applicant has established and will file a set of use restrictions with the proposed subdivision plat which are designed to minimize disturbance to the eagles. These restrictions would (1) protect a wooded area immediately surrounding the nest tree and (2) minimize any outdoor construction activities during the nesting season. The HCP is further described in the **SUPPLEMENTARY INFORMATION** section below.

We have evaluated the application and project area and determined that the HCP is a ''low-effect'' HCP involving minor or negligible effects to the American bald eagle and other environmental resources. As provided by the Department of Interior's Manual (516 DM2, Appendix 1 and 516 DM6, Appendix 1) for implementing the National Environmental Policy Act (NEPA), this low-effect HCP qualifies as a categorical exclusion and does not require the preparation of an environmental assessment (EA) or environmental impact statement (EIS). As a categorical exclusion, according to NEPA regulations (40 CFR 1508.4), low-effect HCPs do not individually or cumulatively have a significant effect on the human environment.

We also announce the availability of the HCP and our determination that a Categorical Exclusion is appropriate for the ITP application. Copies of the HCP and the Service's supporting documentation may be obtained by making a written request to our Regional Office (see **ADDRESSES**). Our final decisions on whether the HCP is a low-effect plan and whether to issue the requested ITP will be made no sooner than 30 days from the date of this notice. This notice is provided pursuant to Section 10 of the Endangered Species Act and NEPA regulations (40 CFR 1506.6).

We specifically request information, views, and opinions from the public via this Notice on the issuance of the requested ITP. Further, we specifically solicit information regarding the

adequacy of the HCP as measured against the Service's ITP issuance criteria found in 50 CFR parts 13 and 17.

If you wish to comment, you may submit comments by any one of several methods. You may mail comments to the Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to *''lee_andrews@fws.gov''.* Please submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your internet message. If you do not receive a confirmation from the Service that we have received your internet message, contact us directly at either telephone number listed below (see **FURTHER INFORMATION**). Finally, you may hand deliver comments to us at the office listed below (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not, however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

DATES: Written comments on the ITP application and HCP should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before May 9, 2001.

ADDRESSES: Persons wishing to review the application, HCP, and supporting documentation may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or Asheville Field Office, 160 Zillicoa Street, Asheville, North Carolina 28801 (Attn: Field Supervisor). Written data or comments concerning the application, HCP, or supporting documents should be submitted to the Regional Office. Requests for the documentation must be in writing to be processed. Please reference permit number TE039993–0 in such comments, or in requests of the documents discussed herein.

FOR FURTHER INFORMATION CONTACT: Mr. Lee Andrews, Regional Permit Coordinator, (see **ADDRESSES** above), telephone: 404/679–7217; or Mr. Mark Cantrell, Fish and Wildlife Biologist, Asheville, North Carolina Field Office, (see **ADDRESSES** above), telephone 828/258–3939, Ext. 227.

SUPPLEMENTARY INFORMATION: The bald eagle below the 40th parallel was listed as endangered in 1967 and received protection under the Act. Due to efforts to protect the bald eagle and its habitat, population reintroduction programs, and the banning of DDT, its population has steadily increased. The bald eagle was reclassified as threatened throughout the continental United States in July 1995 (60 FR 36000–36010). The bald eagle is now being considered for delisting (64 FR 36454–36464). The range-wide status of the American bald eagle was discussed in detail in the proposed rule to remove the bald eagle from the Federal List of Endangered and Threatened Wildlife and Plants (64 FR 36454–36464).

Under section 9 of the Act and its implementing regulations, ''taking'' of endangered and threatened wildlife is prohibited. However, the Service, under limited circumstances, may issue permits to take such wildlife if the taking is incidental to and not the purpose of otherwise lawful activities. The Applicant has prepared a HCP as required for the ITP application. The Applicant intends to develop a residential subdivision consisting of 12 lots on 13 acres. The biological goal of the HCP is to avoid harm or injury to the bald eagles and their nest to the maximum extent practicable and to retain the existing eagles within their occupied territory. To avoid, minimize, and mitigate impacts, the Applicant will establish an open space area of 3.087 acres, which is equivalent to the 150-foot radius buffer, adjacent and contiguous with the nest and establish use restrictions on the lots surrounding the nest. These use restrictions will limit outdoor activities within the subdivision during the nesting season. We expect these efforts to minimize potential effects of human activities on bald eagles that may use the nest. The ITP will authorize incidental take in the form of harm and harassment associated with the disturbance and modification of the habitat surrounding the nest. To help us evaluate the biological effect of the HCP on bald eagles, the Applicant will monitor the nesting activities of the bald eagles annually for the life of the permit, which is three years.

As stated above, we have determined that the HCP is a low-effect plan that is categorically excluded from further NEPA analysis and, therefore, does not require the preparation of an EA or EIS. Low-effect HCPs are those involving: (1) minor or negligible effects on federally listed or candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources. The Applicant's HCP qualifies for the following reasons:

1. Approval of the HCP would result in minor or negligible effects on the American bald eagle and its habitat. We do not anticipate significant direct or cumulative effects on this species as a result of this project.

2. Approval of the HCP would not have adverse effects on known geographic, historic or cultural sites, or involve unique or unknown environmental risks.

3. Approval of the HCP would not result in any significant adverse effects on public health or safety.

4. The project does not require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act, nor does it threaten to violate a Federal, State, local, or tribal law or requirement imposed for protection of the environment.

5. Approval of the HCP would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

We will evaluate the HCP and public comments to determine whether the ITP application meets the requirements of section 10(a) of the Act. We will also evaluate whether the issuance of the ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation to ensure the ITP will not jeopardize the continued existence of this species. We will use the results of this consultation, in combination with the above findings, to determine if the requirements of the ITP are met and whether or not to issue the ITP.

Dated: March 27, 2001.

H. Dale Hall,

Acting Regional Director.

[FR Doc. 01–8618 Filed 4–6–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Blue Lake Rancheria of California

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the Blue Lake Rancheria of California Liquor Control Ordinance. The Ordinance regulates the control of, the possession of, and the sale of liquor on the Blue Lake Rancheria trust lands, and is in conformity with the laws of the State of California, where applicable and necessary. Although the Ordinance was adopted on November 8, 2000, it does not become effective until published in the **Federal Register** because the failure to comply with the ordinance may result in criminal charges.

DATES: This Ordinance is effective on April 9, 2001.

FOR FURTHER INFORMATION CONTACT: Kaye Armstrong, Office of Tribal Services, 1849 C Street, NW, MS 4631–MIB, Washington, D.C. 20240–4001; telephone (202) 208–4400.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83–277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice* v. *Rehner,* 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transaction in Indian country. The Blue Lake Rancheria Liquor Control Ordinance, Resolution No. 00–10, was duly adopted by the Blue Lake Rancheria Business Council on November 8, 2000. The Blue Lake Rancheria, in furtherance of its economic and social goals, has taken positive steps to regulate retail sales of alcohol and use revenues to combat alcohol abuse and its debilitating effects among individuals and family members within the Blue Lake Rancheria.

This notice is being published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 Departmental Manual 8.1.

I certify that by Resolution No. 00–10, the Blue Lake Rancheria of California Liquor Control Ordinance was duly adopted by the Blue Lake Rancheria Business Council on November 8, 2000.

Dated: March 28, 2001.

James H. McDivitt,

Deputy Assistant Secretary—(Management).

The Blue Lake Rancheria Liquor Control Ordinance, Resolution No. 00–10, reads as follows:

A Resolution of the Blue Lake Rancheria of California Adopting the Liquor Licensing Ordinance

The Business Council (''Council'') of the Blue Lake Rancheria of California (''Tribe'') does hereby ordain as follows:

Section 1. Declaration of Findings. The Council hereby finds as follows:

1. Under Article V. Section 6, subsections (g), (i), (j), (m), and (o), of the Constitution of the Tribe, the Council has the power to regulate by ordinance the use and development of tribal lands, to license and regulate the conduct of all business activities on the Reservation, to enact laws and codes governing conduct of individuals and prescribing offenses against the Tribe, and to prescribe the conditions under which non-members may enter and remain on the Reservation.

2. The introduction, possession and sale of alcoholic beverages on the Blue Lake Rancheria is a matter of special concern to the Tribe.

3. Federal law leaves to tribes the decision regarding when and to what extent alcoholic beverage transactions shall be permitted on Indian reservations.

4. Present day circumstances make a complete ban on alcoholic beverages within the Blue Lake Rancheria ineffective and unrealistic. At the same time, a need still exists for strict tribal regulation and control over alcoholic beverage distribution.

5. The enactment of a tribal ordinance governing alcoholic beverage sales on the Blue Lake Rancheria and providing for the purchase and sale of alcoholic beverages through tribally licensed outlets will increase the ability of the tribal government to control the distribution, sale and possession of liquor on the Blue Lake Rancheria, and at the same time will provide an important and urgently needed source of revenue for the continued operation of the tribal government and delivery of tribal governmental services.

Section 2. Declaration of Policy. The Council hereby declares that the policy of the Tribe is to eliminate the evils of unlicensed and unlawful manufacture. distribution, and sale of alcoholic beverages on the Blue Lake Rancheria and to promote temperance in the use and consumption of alcoholic beverages by increasing tribal control ser the possession and distribution of alcoholic beverages on the Reservation.

Liquor Licensing Ordinance of the Blue Lake Rancheria of California

Chapters:

Chapter 01

Sections:

Section 01.010—Title. This Ordinance shall be known as the Liquor Control Ordinance of the Blue Lake Rancheria of California.

Section 01.020—Authority. This Ordinance is enacted pursuant to the Act of August 15. 1953 (Pub. L. 83–277, 67 Stat. 588, 18 U.S.C. 1161), and Article V, Section 6 of the Constitution of the Blue Lake Rancheria of California.

Section 01.030—Purpose. The purpose of this ordinance is to regulate and control the possession and sale of liquor on the Blue Lake Rancheria in Humboldt County, California. The enactment of a tribal ordinance governing liquor possession and sale on the Reservation will increase the ability of the tribal government to control Reservation liquor distribution and possession, and, at the same time, will provide an important source of revenue for the continued operation and strengthening of the tribal government and the delivery of tribal government services.

Section 01.040—Effective Date. This ordinance shall be effective on such date as the Secretary of the Interior certifies this ordinance and publishes the same in the **Federal Register**.

Chapter 02 General Provisions

Sections:

02.010—Short title. This ordinance shall be known and cited as the Blue Lake Rancheria Liquor Licensing Ordinance.

02.020—Purpose. The purpose of this Ordinance is to prohibit the importation, manufacture, distribution and sale of alcoholic beverages on the Blue Lake Rancheria except pursuant to a license issued by the Council under the provisions of this ordinance.

02.030—Sovereign immunity preserved. Nothing in this ordinance is intended nor shall be construed as a

waiver of the sovereign immunity of the Blue Lake Rancheria of California. No officer or employee of the Blue Lake Rancheria of California is authorized nor shall he/she attempt to waive the immunity of the Tribe under the provisions of this ordinance unless such officer or employee has an express and explicit written authorization from the Blue Lake Rancheria General Council pursuant to Article V, Section 3.h of the Constitution of the Blue Lake Rancheria.

02.040—Applicability within the Reservation. This ordinance shall apply to all persons within the exterior boundaries of the Blue Luke Rancheria consistent with the applicable federal Indian liquor laws.

02.050—Possession of alcoholic beverages. Nothing inthis Ordinance shall be interpreted as prohibiting the possession, transportation or consumption of alcoholic beverages within the boundaries of the Blue Lake Rancheria. Possession, transportation and/or consumption of alcoholic beverages within the exterior boundaries of the Reservation in conformity with the provisions of Federal law relating to the possession, transportation. or consumption of alcoholic beverages is expressly permitted under this Ordinance.

02.060—Interpretation and findings. The Council in the first instance may interpret any ambiguities contained in this ordinance.

02.070—Conflicting provisions. Whenever any conflict occurs between the provisions of this ordinance or the provisions of any other ordinance of the Tribe, the stricter of such provisions shall apply.

02.080—Application of 18 U.S.C. 1161. The consumption, importation, manufacture, distribution and sale of alcoholic beverages on the Blue Lake Rancheria shall be in conformity with this Ordinance and in conformity with the laws of the State of California as that phrase or term is used in 18 U.S.C. 1161.

Chapter 04 Definitions

Sections:

04.010—Interpretation. In construing the provisions of this ordinance the following words or phrases shall have the meaning designated unless a different meaning is expressly provided or the context clearly indicates otherwise.

04.020—Alcohol. Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or be whatever process produced.

04.030—Alcoholic beverage. Alcoholic beverage includes all alcohol, spirits, liquor. wine, beer, and any liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances. It shall be interchangeable in this ordinance with the term liquor.

04.040—Beer. Beer means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof in water, and includes ale, porter, brown, stout, lager beer, small beer, and strong beer, and also includes sake, otherwise known as Japanese rice wine.

04.050—Distilled spirits. Distilled spirits means any alcoholic beverage obtained by the distillation of fermented agricultural products, and includes alcohol for beverage use, spirits of wine, whiskey, rum, brandy, and gin, including all dilutions and mixtures thereof.

04.060—Importer. Importer means any person who introduces alcohol or alcoholic beverages into the Blue Lake Rancheria from outside the exterior boundaries of the Reservation for the purpose of sale on distribution within the Reservation, provided however, the term importer as used herein shall not include a wholesaler licensed by any state or tribal government selling alcoholic beverages to a seller licensed by a state or tribal government to sell at retail.

04.070—Liquor license. Liquor license means a license issued by the Blue Lake Business Council under the provisions of this ordinance authorizing the sale, manufacture, or importation of alcoholic beverages on or within the Reservation consistent with federal law.

04.080—Manufacturer. Manufacturer means any person engaged in the manufacture of alcohol or alcoholic beverages.

04.090—Person. Person means any individual, whether Indian or non-Indian, receiver, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit or otherwise, and any other Indian tribe, band or group, whether recognized by the United States Government or otherwise. The term shall also include the businesses of the Tribe. It shall be interchangeable in this ordinance with the term ''seller'' or ''licensee.''

04.100—Reservation. Reservation means all lands within the exterior boundaries of the Blue Lake Rancheria and such other lands as may hereafter be acquired by the Tribe, whether within or without said boundaries, under any grant. transfer, purchase, gift, adjudication, executive order, Act of Congress, or other means of acquisition.

04.110—Sale. Sale means the exchange of property and/or any transfer of the ownership of, title to, or possession of property for a valuable consideration, exchange or barter, in any manner or by any means whatsoever. It includes conditional sales contracts, leases with options to purchase, and any other contract under which possession of property is given to the purchaser, buyer, or consumer but title is retained by the vendor, retailer, manufacture, or wholesaler, as security for the payment of the purchase price. Specifically, it shall include any transaction whereby, for any consideration, title to alcoholic beverages is transferred from one person to another, and includes the delivery of alcoholic beverages pursuant to an order placed for the purchase of such beverages, or soliciting or receiving such beverages.

04.120—Seller. Seller means any person who, while within the exterior boundaries of the Reservation, sells, solicits or receives an order for any alcohol, alcoholic beverages, distilled spirits, beer, or wine.

04.130—Business Council. Business Council or Council means the Blue Lake Business Council.

04.140—Tribe. Tribe means the Blue Lake Rancheria of California.

04.150—Wine. Wine means the product obtained from the normal alcoholic fermentation of the juice of the grapes or other agricultural products containing natural or added sugar or any such alcoholic beverage to which is added grape brandy, fruit brandy, or spirits of wine, which is distilled from the particular agricultural product or products of which the wine is made, and other rectified wine products.

Chapter 06 Prohibition of the Unlicensed Sale of Liquor

Sections:

06.010—Prohibition of the unlicensed sale of liquor. No person shall import for sale, manufacture, distribute or sell any alcoholic beverages within the reservation without first applying for and obtaining a written license from the Council issued in accordance with the provisions of this ordinance.

06.020—Authorization to sell liquor. Any person applying for and obtaining a liquor license under the provisions of this ordinance shall have the right to engage only in those liquor transactions expressly authorized by such license and only at those specific places or areas designated in said license.

06.030—Types of licenses. The Council shall have the authority to issue the following types of liquor licenses within the reservation:

A. Retail on-sale general license means a license authorizing the applicant to sell alcoholic beverages at retail to be consumed be the buyer only on the premises or at the location designated in the license.

B. Retail on-sale beer and wine license means a license authorizing the applicant to sell beer and wine at retail to be consumed by the buyer only on the premises or at the location designated in the license.

C. Retail off-sale general license means a license authorizing the applicant to sell alcoholic beverages at retail to be consumed by the buyer off of the premises or at a location other than the one designated in the license.

D. Retail off-sale beer and wine license means a license authorizing the applicant to sell beer and wine at retail to be consumed by the buyer off of the premises or at a location other than the one designated in the license.

E. Manufacturer's license means a license authorizing the applicant to manufacture alcoholic beverages for the purpose of sale on the reservation.

Chapter 08 Application for License

Sections:

08.010—Application form and content. An application for a license shall be made to the Council and shall contain the following information:

A. The name and address of the applicant. In the case of a corporation, the names and addresses of all of the principal officers, directors and stockholders of the corporation. In the case of a partnership, the name and address of each partner.

B. The specific area, location and/on premises for which the license is applied for.

C. The type of liquor transaction applied for (i.e. retail on-sale general license, etc.).

D. Whether the applicant has a state liquor license.

E. A statement by the applicant to the effect that the applicant has not been convicted of a felony and has not violated and will not violate or cause or permit to be violated any of the provisions of this ordinance or any of the provisions of the California Alcoholic Beverage Control Act.

F. The signature and fingerprint of the applicant. In the case of a partnership, the signature and fingerprint of each partner. In the case of a corporation, the signature and fingerprint of each of the officers of the corporation under the seal of the corporation.

G. The application shall be verified under oath, notarized and accompanied by the license fee required by this ordinance.

08.020—Fee accompanying application. The Council shall by resolution establish a fee schedule for the issuance, renewal and transfer of the following types of licenses:

A. Retail on-sale general license;

B. Retail on-sale beer and wine license;

C. Retail off-sale general license:

D. Retail off-sale beer and wine liquor; and

F. Manufacturer's license.

08.030—Investigation; denial of application. Upon receipt of an application for the issuance, transfer or renewal of' a license and the application fee required herein, the Council shall make a thorough investigation to determine whether the applicant and the premises for which a license is applied for qualify for a license and whether the provisions of this ordinance have been complied with, and shall investigate all matters connected therewith which may affect the public welfare and morals. The Council shall deny an application for issuance, renewal or transfer of a license if either the applicant on the premises for which a license is applied for does not qualify for a license under this ordinance or if the applicant has misrepresented any facts in the application or given any false information to the Council in order to obtain a license.

The Council further may deny any application for issuance, renewal or transfer of a license if the Council cannot make the findings required by Section 10.20 of this Ordinance or the Council finds that the issuance of such a license would tend to create a law enforcement problem, or if issuance of said license would be a detriment to the health, safety and welfare of the Tribe or its members.

Chapter 10 Issuance, Renewal and Transfer of Licenses

Sections:

10.010—Public hearing. Upon receipt of an application for issuance, renewal or transfer of a license, and the payment of all fees required under this ordinance, the Secretary of the Council shall set the matter for a public hearing. Notice of the time and place of the hearing shall be given to the applicant and the public at least ten (10) calendar days before the hearing. Notice shall be given to the applicant by prepaid U.S. mail at the address listed in the application. Notice shall he given to the public by publication in a newspaper of general circulation sold on the Reservation. The notice published in the newspaper shall include the name of the applicant and the type of license applied for and a general description of the area where liquor will be sold. At the hearing, the Council shall hear from any person who wishes to speak for or against the application. The Council shall have the authority to place time limits on each speaker and limit or prohibit repetitive testimony.

10.020—Council action on application. Within thirty (30) days of the conclusion of the public hearing, the Council shall act on the matter. The Council shall have the authority to deny, approve, or approve with conditions the application. Before approving the application, the Council shall find: (1) That the site for the proposed premises has adequate parking, lighting, security and ingress and egress so as not to adversely affect adjoining properties or businesses, and (2) that the sale of alcoholic beverages at the proposed premises is consistent with the Tribe's Zoning Ordinance.

Upon approval of an application, the Council shall issue a license to the applicant in a Form to be approved from time to time by the Council by resolution. All businesses shall post their tribal liquor licenses issued under this ordinance in a conspicuous place upon the premises where alcoholic beverages are sold, manufactured or offered for sale.

10.030—Multiple locations. Each license shall be issued to a specific person. Separate licenses shall be issued for each of the premises of any business establishment having more than one location.

10.040—Term of license /Temporary licenses. All licenses issued by the Council shall be issued on a calendar year basis and shall be renewed annually; provided, however, that the Council may issue special licenses for the sale of alcoholic beverages on a temporary basis for premises temporarily occupied by the licensee for a picnic, social gathering, or similar occasion at a fee to be established by the Council by resolution.

10.050—Transfer of licenses. Each license issued or renewed under this ordinance is separate and distinct and is transferable from the licensee to another person and/or from one premises to another premises only with the approval of the Council. The Council shall have the authority to approve, deny, or approve with conditions any application for the transfer of any license. In the case of a transfer to a new person, the application for transfer shall contain all of the information required of an original applicant under Section 08.010 of this ordinance. In the case of'' a transfer to a new location, the application shall contain all exact description of the location where the alcoholic beverages are proposed to be sold.

Chapter 12 Revocation of Licenses

Sections:

12.010—Revocation of licenses.
12.020—Accusations,
12.030—Hearing.

12.010—Revocation of licenses. The Council shall revoke a license upon any of the following grounds:

A. The misrepresentation of a material fact by an applicant in obtaining a license on a renewal thereof.

B. The violation of any condition imposed by the Council on the issuance, transfer or renewal of a license.

C. A plea, verdict, or judgment of guilty, or the plea of nolo contendere to any public offense involving moral turpitude under any federal or state law prohibiting or regulating the sale, use, possession, or giving away of alcoholic beverages on intoxicating liquors.

D. The violation of any tribal ordinance.

F. The failure to take reasonable steps to correct objectionable conditions constituting a nuisance on the licensed premises or any immediately adjacent area leased, assigned or rented by the licensee within a reasonable time after receipt of a notice to make such corrections has been received from the Council or its authorized representative.

12.020—Accusations. The Council, on its own motion through the adoption of an appropriate resolution meeting the requirements of this section, or any person may initiate revocation proceedings by filing an accusation with the Secretary of the Council. The accusation shall be in writing and signed by the maker, and shall state facts showing that there are specific grounds under this ordinance which would authorize the Council to revoke the license or licenses of the licensee against whom the accusation is made. Upon receipt of an accusation, tile Secretary of the Council shall cause the matter to be set for a hearing before the Council. Thirty (30) days prior to the date set for the hearing, the Secretary shall mail a copy of the accusation along with a notice of the day and time of the hearing before the Council. The notice shall command the licensee to appear and show cause why the licensee's license should not be revoked. The notice shall state that the licensee has the right to file a written response to the accusation, verified under oath and signed by the licensee ten (10) days prior to the hearing date.

12.030—Hearing. Any hearing held on any accusation shall be held before a majority of the Council under such rules of procedure as it may adopt. Both the licensee and the person filing the accusation, including the Tribe, shall have the right to present witnesses to testify and to present written documents in support of their positions to the Council. The Council shall render its decision within sixty (60) days after the date of the hearing. The decision of the Council shall be final and non-appealable.

Chapter 14 Enforcement

Sections:

14.010—Right to inspect.
14.020—General penalties.
14.030—Initiation of action.

14010—Right to inspect. Any premises within the area under the jurisdiction of this Ordinance on which liquor is sold or distributed shall be open for inspection by representatives of'' the Council at all reasonable times during business hours for the purposes of ascertaining whether the rules and regulations of this Ordinance are being complied with.

14.020—General penalties. Any person adjudged to be in violation of this ordinance shall be subject to a civil penalty of not more than Five Hundred Dollars ($500.00) for each such violation. The Council may adopt by resolution a separate schedule of fines for each type of violation, taking into account its seriousness and the threat it may pose to the general health and welfare of tribal members. Such schedule may also provide, in the case of repeated violations, for imposition of monetary penalties greater than the Five Hundred Dollars ($500.00) limitation set forth above.

The penalties provided for herein shall be in addition to any criminal penalties which may hereafter be imposed in conformity with federal law by separate Chapter or provision of this Ordinance or by a separate ordinance of the Blue Lake Tribal Code.

14.020—Initiation of action. Any violation of this ordinance shall constitute a public nuisance. The Council may initiate and maintain an action in tribal court, or, if the tribal court does not have jurisdiction over the action, in the United States District Court for the Northern District of California, to abate and permanently enjoin any nuisance declared under this ordinance. Any action taken under this section shall be in addition to any other penalties provided for this ordinance.

Section 4. Severability. If any part or provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and affect. To this end the provisions of this ordinance are severable.

[FR Doc. 01–8627 Filed 4–6–01; 8:45 am]
BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–020–N–27917–1430–EU]

Notice of Termination of Desert Land Entry Classification and Segregation; NV.

AGENCY: Bureau of Land Management, Interior.

SUMMARY: This action terminates the desert-land classification N–58996, dated April 8, 1982, and also terminates the segregation for Desert Land Entry Application N–27917. The land will be opened to the operation of the public land laws, including location and entry under the mining laws.

EFFECTIVE DATE: May 9, 2001.

FOR FURTHER INFORMATION CONTACT: Mary L. Figarelle, Winnemucca Field Office, 5100 E. Winnemucca Blvd.,

Winnemucca NV 89445, at (775) 623–1500.

SUPPLEMENTARY INFORMATION: The desert-land classification for N–58996 was made on April 8, 1982, pursuant to the Desert Land Act (19 Stat. 377; 43 U.S.C. 321–323), as amended by the Act of March 3, 1891 (26 Stat. 1096; 43 U.S.C. 231, 323, 325, 327–329). The land was classified as suitable for entry under the desert-land laws.

Desert Land Entry Application N–27917 was filed on December 31, 1979, by Daniel R. Cassinelli, for 60 acres of public land in Humboldt County. Nevada. The application was not approved for entry because of economic unfeasibility, and because water, necessary to allow entry, was determined to be unavailable by the State of Nevada Water Engineer. The case was closed on November 16, 1984.

Desert Land Entry Application N–27917 and classification N–58996 are hereby terminated for the following described 60 acres:

Mount Diablo Meridian, Nevada

T. 40 N., R. 39 E., Sec. 36: NE¼SE¼, N½SE¼SE¼

At 9:00 a.m. on May 9, 2001, the land described above will be opened to the operation of the public land laws generally, subject to valid existing rights, the provision of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 9:00 a.m. on May 9, 2001, will be considered as simultaneously filed at that time. All other applications received thereafter shall be considered in the order of filing.

At 9:00 a.m. on May 9, 2001, the land described above will be opened to location and entry under the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any of the land described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: March 6, 2001.

Terry A. Reed,

Field Manager.

[FR Doc. 01–8655 Filed 4–6–01; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–960–1420–BJ; ES–50988, Group 198, Florida]

Notice of Filing of Plat of Survey; Florida

The plat of the metes-and-bounds survey of a division line in former lot 14, being the boundary between lots 17 and 18 of section 31, Township 40 South, Range 43 East, Tallahassee Meridian, Florida, will be officially filed in Eastern States, Springfield, Virginia at 7:30 a.m., on May 18, 2001.

The survey was made at the request of the Jackson Field Office on behalf of the U. S. Coast Guard.

All inquiries or protests concerning the technical aspects of the survey must be sent to the Chief Cadastral Surveyor, Eastern States, Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153, prior to 7:30 a.m., May 18, 2001.

Copies of the plat will be made available upon request and prepayment of the appropriate fee.

Dated: March 29, 2001.

Joseph W. Beaudin,

Chief Cadastral Surveyor.

[FR Doc. 01–8654 Filed 4–6–01; 8:45 am]

BILLING CODE 4310–GJ–P

DEPARTMENT OF THE INTERIOR

National Park Service

Sixty-day Notice of Intention To Request Clearance of Collection of Information—Opportunity for Public Comment

AGENCY: Department of the Interior, National Park Service.

ACTION: Notice and request for comments.

SUMMARY: The National Park Service (NPS) Social Science Program is considering submitting to the Office of Management and Budget (OMB) a request for clearance of a renewed program of surveys of the public related to the mission of the NPS. The NPS is publishing this notice to inform the public of this program and to request comments on the program.

Since many of the NPS surveys are similar in terms of the population being surveyed, the types of questions being asked, and research methodologies, the NPS proposed to OMB and received clearance for a pilot program of approval for NPS visitor surveys (OMB #1024–0224 exp. 8/31/2001). The program presented an alternative approach to complying with the Paperwork Reduction Act (PRA). In the two years since the NPS received clearance for the program of expedited approval, 58 visitor surveys have been conducted in units of the National Park System. The benefits of this program have been significant to the NPS, Department of the Interior (DOI), OMB, NPS cooperators, and the public. Significant time and cost savings have been incurred. Expedited approval was typically granted in 45 days or less from the date the Principal Investigator first submitted a survey package for review. This is a significant reduction over the approximate 6 months involved in the standard OMB approval process. It is estimated that the expedited approval process saved a total of 261 months in Fiscal Years 1999 and 2000. In two years, the expedited approval process has accounted for a cost savings to the federal government and PIs estimated at $92,250. The initial program included surveys of park visitors. The renewed program will include surveys of park visitors, potential park visitors, and residents of communities near parks.

Under provisions of the Paperwork Reduction Act of 1995 and 5 CFR Part 1320, Reporting and Record Keeping Requirements, the National Park Service is soliciting comments on: (a) Whether the collection of information is necessary for the proper performance of the functions of the NPS, including whether the information will have practical utility; (b) the accuracy of the NPS estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) the quality, utility, and clarity of the information to be collected; and (d) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

DATES: Public comments will be accepted on or before June 8, 2001.

SEND COMMENTS TO: Dr. Gary E. Machlis, Visiting Chief Social Scientist, National Park Service, 1849 C Street, NW., (3127), Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Dr. Gary E. Machlis. Voice: 202–208–5391, Fax: 202–208–4620, Email: <gary_machlis@nps.gov>.

Request for Clearance of a Three Year Program of Collections of Information: Programmatic Approval of NPS-Sponsored Public Surveys.

SUPPLEMENTARY INFORMATION:

Title: Programmatic Approval of NPS-Sponsored Public Surveys.

Bureau Form Number: None.

OMB Number: 1024–0224.

Expiration Date: To be requested.

Type of Request: Revision of a currently approved collection.

Description of Need: The National Park Service needs information concerning park visitors and visitor services, potential park visitors, and residents of communities near parks to provide park managers with usable knowledge for improving the quality and utility of park programs and planning efforts.

Automated Data Collection: At the present time, there is no automated way to gather this information, since the information gathering process involves asking the public to evaluate services and facilities that they used during their park visits, services and facilities they are likely to use on future park visits, perceptions of park services and facilities, and opinions regarding park management. The burden on individuals is minimized by rigorously designing public surveys to maximize the ability of the surveys to use small samples of individuals to represent large populations of the public, and by coordinating the program of surveys to maximize the ability of new surveys to build on the findings of prior surveys.

Description of Respondents: A sample of visitors to parks, potential visitors to parks, and residents of communities near parks.

Estimate Average Number of Respondents: The program does not identify the number of respondents because that number will differ in each individual survey, depending on the purpose and design of each information collection.

Estimated Average Number of Responses: The program does not identify the average number of responses because that number will differ in each individual survey, depending on the purpose and design of each individual survey. For most surveys, each respondent will be asked to respond only one time, so in those cases the number of responses will be the same as the number of respondents.

Estimated Average Burden Hours Per Response: The program does not identify the average burden hours per response because that number will differ from individual survey to individual survey, depending on the purpose and design of each individual survey.

Frequency of Response: Most individual surveys will request only 1 response per respondent.

Estimate Annual Reporting Burden: The program identifies the requested total number of burden hours annually for all of the surveys to be conducted under its auspices to be 15,000 burden hours per year. The total annual burden per survey for most surveys conducted under the auspices of this program would be within the range of 100 to 300 hours.

Dated: February 27, 2001.

Leonard E. Stowe,

Acting Information Collection Clearance Officer, WASO Administrative Program Center, National Park Service.

[FR Doc. 01–8687 Filed 4–6–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

60 Day Notice of Intention To Request Clearance of Collection of Information; Opportunity for Public Comment

AGENCY: Department of the Interior, Yukon-Charley Rivers National Preserve, National Park Service.

ACTION: Notice and request for comments.

SUMMARY: The National Park Service (NPS) in conjunction with a natural resource protection council including members from the Air Force and a number of state and federal land management agencies is proposing in 2001 to conduct surveys of persons using selected Alaskan Military Operations Areas where Air Force training occurs. In one of these surveys, visitors to Harding Lake and Chena River State Recreation Areas will be asked about their expectations concerning Air Force training and the impacts of reported overflights on their activities and experiences.

Estimated numbers of:

	Responses	Burden hours
Alaskan Military Operations Areas: On-Site Visitor Survey	2360	631

Under provisions of the Paperwork Reduction Act of 1995 and 5 CFR Part 1320, Reporting and Record Keeping Requirements, the National Park Service is soliciting comments on the need for gathering the information in the proposed surveys. The NPS also is asking for comments on the practical utility of the information being gathered; the accuracy of the burden hour estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden to respondents, including use of automated information collection techniques or other forms of information technology.

The NPS goal in conducting these surveys is to assess the effectiveness of current mitigation efforts in limiting impacts of Air Force training activity on human users of Alaskan Military Operations Areas.

DATES: Public comments will be accepted on or before June 8, 2001.

SEND COMMENTS TO: Darryll R. Johnson, USGS/BRD/FRESC/Cascadia Field Station, College of Forest Resources, Box 352100, University of Washington, Seattle, WA 98195–2100; or Mark E. Vande Kamp, USGS/BRD/FRESC/Cascadia Field Station, College of Forest Resources, Box 352100, University of Washington, Seattle, WA 98195–2100.

FOR FURTHER INFORMATION CONTACT: Darryll R. Johnson. Voice: 206–685–7404, Email:darryllj@u.washington.edu; Mark E. Vande Kamp. Voice: 206–543–0378; Email: mevk@u.washington.edu.

SUPPLEMENTARY INFORMATION:

Titles: Alaskan Military Operations Areas On-Site Visitor Survey.

Bureau Form Number: None.

OMB Number: To be requested.

Expiration Date: To be requested.

Type of Request: Request for new clearance.

Description of Need: The National Park Service (in conjunction with a natural resource protection council including members from the Air Force and a number of state and federal land management agencies) needs information to assess the effectiveness of current mitigation efforts in limiting impacts of Air Force training activity on human users of Alaskan Military Operations Areas.

Automated Data Collection: At the present time, there is no automated way to gather this information because it includes expectations and evaluations visitors associate with their experiences in Harding Lake and Chena River State Recreation Areas.

Description of Respondents: A sample of individuals who use Harding Lake and Chena River State Recreation Areas for recreation purposes.

Estimated Average Number of Respondents: 1410.

Estimated Average Number of Responses: Each respondent will respond to an on-site interview. An estimated 75% of these respondents will complete a mail survey giving a total of 2360 responses (1410 + 950).

Estimated Average Burden Hours per Response: 16 minutes.

Frequency of Response: 1 on-site interview and 1 mail survey per respondent.

Estimated Annual Reporting Burden: 631 hours.

Dated: March 12, 2001.

Leonard E. Stowe,

Information Collection Clearance Officer, WASO Administrative Program Center, National Park Service.

[FR Doc. 01–8688 Filed 4–6–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Submission of Study Package to Office of Management and Budget: Opportunity for Public Comment

AGENCY: Department of Interior, National Park Service, Mount Rainier National Park, Olympic National Park.

ACTION: Notice and request for comments.

Abstract: The National Park Service is conducting a telephone survey of households in western Washington State where the following national parks are located: Olympic National Park and Mount Rainier National Park. In this survey persons will be asked why they visit or do not visit either national park. This information will identify the reasons former visitors have stopped using the parks and why non-visitors do not go to the parks. The NPS goal in conducting the survey is to determine if former visitors have been displaced and if other persons do not go to Olympic and Mount Rainier national parks because of crowing and related factors, including traffic congestion, development, and difficulty in obtaining lodging or campsites in the parks.

SUMMARY: Under the provision of the Paperwork Reduction Act of 1995 and 5 CFR part 1320, Reporting and Record Keeping Requirements, the NPS invites public comment on the proposed information request (ICR). Comments are invited on: (1) The need for the information, including whether the information has practical utility; (2) the accuracy of the reporting burden estimate; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology.

The NPS goal in conducting these surveys is to determine why former visitors to Mount Rainier and Olympic national parks have stopped visiting the parks and why non-visitors do not visit.

There were no public comments received as a result of publishing in the **Federal Register** a 60-day notice of intention to request clearance of information collection for this survey.

DATES: Public comments will be accepted until May 9, 2001.

SEND COMMENTS TO: Office of Information and Regulatory Affairs of OMB, Attention Desk Officer for the Interior Department, Office of Management and Budget, Washington, DC 20530.

The OMB has up to 60 days to approve or disapprove the information collection, but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments within 30 days from the date listed at the top of this page of the **Federal Register**.

FOR FURTHER INFORMATION OR A COPY OF THE STUDY PACKAGE SUBMITTED FOR OMB REVIEW, CONTACT: James Gramann, phone 979–845–4920, fax 979–845–0446, e-mail jgramann@rpts.tamu.edu.

SUPPLEMENTARY INFORMATION:

Title: Development and Advancement of Carrying Capacity Management Techniques, Western Washington Household Survey.

Bureau Form Number: None.

OMB Number: To be assigned.

Expiration Date: To be assigned.

Type of Request: Request for new clearance.

Description of Need: The National Park Service needs information on displaced visitors and those who do not visit parks in order to advance recreational carrying capacity management techniques in the National Park System. The proposed information to be collected on displaced visitors and non-visitors is not available from existing records, sources, or observations.

Automated Data Collection: At the present time, there is no automated way to gather this information, since it includes asking residents about their perceptions and preferences regarding national park visits.

Description of Respondents: A sample of residents in counties in western Washington State.

Estimated Average Number of Respondents: 1000.

Estimate Average Number of Responses: Each respondent will respond only one time, so the number of responses will be the same as the number of respondents.

Estimated Average Burden Hour per Response: 15 minutes.

Frequency of Response: One time per respondent.

Estimated Annual Reporting Burden: 250 hours.

Dated: March 2, 2001.

Leonard E. Stowe,

Information Collection Clearance Officer, WASO Administrative Program Center, National Park Service.

[FR Doc. 01–8689 Filed 4–6–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Public Scoping Open House for Belle Haven Marina

AGENCY: National Park Service (NPS), Interior.

ACTION: Notice of public scoping open house.

SUMMARY: In compliance with 42 USC 4371 *et seq.* and National Park Service Policy, George Washington Memorial Parkway (GWMP) announces a public scoping Open House for the general public to consider and comment on alternatives for the future of visitor services provided on the Belle Haven peninsula. There will be a 30-day public comment period.

DATES: May 1, 2001, and May 2, 2001, between 7 and 9 p.m. at Potowmack Landing Restaurant. Potowmack Landing is located on GWMP at Daingerfield Island between Reagan National Airport and Old Town Alexandria.

ADDRESSES: Printed copies of the alternatives being presented at the Open House will be available for public inspection at GWMP Headquarters, Turkey Run Park, McLean, VA, Monday through Friday, 8 a.m. to 4 p.m. One copy will also be available at the Mary

Custis and the Sherwood Hall Libraries in Fairfax County as well as the Queen Street Library in Alexandria. An electronic copy will be available on the GWMP website: *http://www.nps.gov/gwmp*. A limited number of copies are also available upon request by contacting GWMP at 703–289–2500.

SUPPLEMENTARY INFORMATION: Belle Haven Marina, Inc. has a contract with GWMP authorizing the concessioner to provide wet slip rental, dry storage, ramp service, sailboat rental, sailboat instructions, soft drink sales, and packaged goods within an assigned area of Belle Haven Park. The concessioner is currently operating under a contract extension which expires December 31, 2001. The National Park Service Concessions Management and Improvement Act (1998 Act) provides new legislative policies and procedures for the solicitation and award of concession contracts by the NPS. Section 51.23 of the concession contracting regulation, found at 36 CFR part 51, states that extensions in excess of an aggregate of three years are not permissible. Belle Haven Marina, Inc. will reach the three-year time limit on contract extensions December 31, 2001 and by regulation cannot continue concession operations within GWMP. ''In addition Section 402(b) of the 1998 Act states that, It is the policy of Congress that the development of public accommodations, facilities, and services in units of the National Park System be limited to those accommodations, facilities, and services that are necessary and appropriate for public use and enjoyment * * * and are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the unit.'' A feasibility analysis as well as annual reports on the status of the marina identified problems that pose threats to visitor safety as well as environmental impacts to the sensitive resources in the adjacent Dyke Marsh area.

The purpose of the Open House is to initiate public involvement in planning for what is necessary and appropriate for the public use and enjoyment of the Belle Haven area. Information obtained through the public scoping Open House will be incorporated into a forthcoming Environmental Assessment that will also go through a public review and comment period.

FOR FURTHER INFORMATION CONTACT: Jacqueline Lavelle at (703) 289–2536.

Audrey F. Calhoun,

Superintendent, George Washington Memorial Parkway.

[FR Doc. 01–8685 Filed 4–6–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

General Management Plan, Environmental Impact Statement, Big Bend National Park, TX; River Management Plan, Environmental Impact Statement, Rio Grande Wild and Scenic River, TX, and Wilderness Study, Environmental Impact Statement, Harte Ranch, Big Bend National Park, TX

AGENCY: National Park Service, Department of the Interior.

ACTION: Amend Notice of intent to prepare an environmental impact statement for the general management plan, Big Bend National Park (NP), Texas, river management plan, Rio Grande Wild and Scenic River (WSR), Texas, and wilderness study, Harte Ranch, Big Bend National Park.

SUMMARY: On May 3, 2000, the National Park Service published a notice of intent for the action described above. The following amends that notice. Rather than preparing a wilderness study and environmental impact statement for the Harte Ranch, a wilderness suitability assessment will be prepared. The General Management Plan, Environmental Impact Statement, Big Bend National Park, Texas; River Management Plan, Environmental Impact Statement, Rio Grande Wild and Scenic River, Texas; and wilderness suitability assessment, Harte Ranch, Big Bend National Park are underway.

FOR FURTHER INFORMATION CONTACT: Superintendent Frank Deckert, P. O. Box 129, Big Bend National Park, Texas 79834; Tel: (915) 477–1101; Fax: (915) 477–2357; E-mail: *deckert_frank@nps.gov.*

Dated: March 21, 2001.

Karen P. Wade,

Director, Intermountain Region, National Park Service.

[FR Doc. 01–8684 Filed 4–6–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Joseph Tree National Park; Advisory Commission Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Joshua Tree National Park Advisory Committee (Commission) will be held from 10:00 a.m. (PDT) until 2:00 p.m. on Saturday, May 12, 2001, at the Black Rock Nature Center at 9800 Black Rock Canyon Road, Black Rock Campground, in the city of Yucca Valley, California. The Commission will hear reports on the Climbing Sub-Committee, the Auto-camp Sub-Committee, Fire Ecology, and Overflight Issues.

The Commission was established by Public Law 103–433, section 107 to advise the Secretary concerning the development and implementation of a new or revised comprehensive management plan Joshua Tree National Park.

Members of the Commission include:

Mr. Chuck Bell Planner
Ms. Marie Braschear Mining Interest
Mr. Gary Daigneault Property Owner/Business Interest
Hon. Bill Postmus County of San Bernardino
Mr. John Freter Property Owner Interest
Mr. Julian McIntyre Conservation
Mr. Roger Melanson Equestrian Interest
Mr. Ramon Mendoza Native American Interest
Ms. Leslie Mouriquand Planner
Mr. Richard Russell All Wheel Drive Vehicle Interest
Ms. Lynn Shmakoff Property Owner Interest
Hon. Roy Wilson County of Riverside
Mr. Gilbert Zimmerman Tourism

The meeting is open to the public and will be recorded for documentation and transcribed from dissemination. Minutes of the meeting will be available to the public after approval of the full Advisory Commission. For copies, please contact Superintendent, Joshua Tree National Park, 74485 National Park Drive, Twentynine Palms, California 92277 at (760) 367–5502.

Dated: March 21, 2001.

Mary Risser,

Acting Superintendent.

[FR Doc. 01–8691 Filed 4–6–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

National Capital Memorial Commission Notice of Public Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Commission (the Commission) will be held at 1 p.m. on Thursday, April 26, 2001, at the National Building Museum, Room 312, 5th and F Streets, NW., Washington, DC.

The purpose of the meeting will be to discuss currently authorized and proposed memorials in the District of Columbia and environs.

In addition to discussing general matters and routine business, the Commission will review:

Action Items

(1) Site Selection

(a) Alternative site study for the plaque to be placed at the Vietnam Veterans Memorial honoring post-war casualties of the Vietnam War (Public Law 106–215, June 14, 2000).

(b) Alternative site study for the plaque to be placed at the Lincoln Memorial commemorating the ''I Have a Dream'' speech of Martin Luther King, Jr. (Public Law 106–365, October 2, 2000).

(2) Legislative Proposals

(a) Pyramid of Remembrance (Soldiers lost during peacekeeping operations) (H.R. 282, January 30, 2001).

(b) Vietnam Veterans Memorial Education Center (S. 281 and H.R. 510, February 7, 2001).

(c) Memorial to Presidents John Adams and John Quincy Adams.

The Commission was established by Public Law 99–652, the Commemorative Works Act, to advise the Secretary and the Administrator, General Services Administration, (the Administrator) on policy and procedures for establishment of (and proposals to establish) commemorative works in the District of Columbia and its environs, as well as such other matters as it may deem appropriate concerning commemorative works.

The Commission examines each memorial proposal for conformance to the Commemorative Works Act, and makes recommendations to the Secretary and the Administrator and to Members and Committees of Congress. The Commission also serves as a source of information for persons seeking to establish memorials in Washington, DC, and its environs.

The members of the Commission are as follows:

Director, National Park Service
Chairman, National Capital Planning Commission
Architect of the Capitol
Chairman, American Battle Monuments Commission
Chairman, Commission of Fine Arts
Mayor of the District of Columbia
Administrator, General Services Administration
Secretary of Defense

The meeting will be open to the public. Any person may file with the Commission a written statement concerning the matters to be discussed. Persons who wish to file a written statement or testify at the meeting or who want further information concerning the meeting may contact Ms. Nancy Young, Executive Secretary to the Commission, at (202) 619–7097.

Dated: March 19, 2001.

Joseph M. Lawler,

Deputy Regional Director, National Capital Region.

[FR Doc. 01–8690 Filed 4–6–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Meeting for the Niobrara Scenic River Advisory Commission

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of meeting for the Niobrara Scenic River Advisory Commission.

SUMMARY: This notice sets the schedule for the forthcoming meeting of the Niobrara Scenic River Advisory Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Public Law 92–463).

MEETING DATE AND TIME: May 10, 2001, 1 p.m.

ADDRESSES: Peppermill Restaurant Meeting Room, 112 North Main Street, Valentine, Nebraska.

Recognize presence of Associate Regional Director Al Hutchings, Planning, Compliance, and Legislation, Midwest Region, National Park Service.

Agenda: (1) Presentation by the National Park Service (NPS) of proposed management alternatives in a new general management plan (GMP) for the Niobrara National Scenic River (NSR); (2) Presentation by the National Park Service of boundary alternatives for the Niobrara NSR; (3) Presentation by the NPS of the planning timetable, including release of a draft plan, final plan, and record of decision of a court-ordered rewrite of the Niobrara NSR GMP environmental impact statement; (4) Public comment.

The meeting is open to the public. Interested persons may make oral or written presentations to the Commission or file written statements. Requests for time to making presentations may be made to the Superintendent prior to the meeting or to the Chairman at the beginning of the meeting. In order to accomplish the meeting agenda, the Chairman may want to limit or schedule public presentations.

The meeting will be recorded for documentation and a written summary prepared for dissemination. Copies of the summary may be requested by contacting the Superintendent. An audiotape of the meeting will be available at the headquarters office of the Niobrara National Scenic River in O'Neill, Nebraska.

FOR FURTHER INFORMATION CONTACT: Superintendent Paul Hedren, Niobrara National Scenic River, P.O. Box 591, O'Neill, Nebraska 68763–0591, or at 402–336–3970.

SUPPLEMENTARY INFORMATION: The Niobrara Scenic River Advisory Commission was established by Public Law 102–50 creating the Niobrara NSR. The purpose of the commission, according to its charter, is to advise the Secretary of the Interior on matters pertaining to the development of a management plan, and management and operation of the Niobrara NSR. The Niobrara NSR consists of a segment of the Niobrara River in north-central Nebraska from the Borman Bridge, southeast of Valentine, Nebraska, downriver 76 miles to Nebraska Highway 137.

Dated: March 12, 2001.

David N. Given,

Acting Regional Director.

[FR Doc. 01–8686 Filed 4–6–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 24, 2001. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW., NC400, Washington, DC 20240. Written comments should be submitted by April 24, 2001.

Patrick W. Andrus,

Acting Keeper of the National Register of Historic Places.

Connecticut

Fairfield County

Christ Episcopal Church and Tashua Burial Ground, 5170 Madison Ave., Trumbull, 01000401
Ely, Rev. John, House, 54 Milwaukee Ave., Bethel, 01000400

New Haven County

Miller, Henry F., House, 30 Derby Ave., Orange, 01000399

Indiana

Montgomery County

Culver Union Hospital, 306 Binford St., Crawfordsville, 01000402

Parke County

Lieber, Richard, Log Cabin, Turkey Run State Park, Marshall, 01000403

Randolph County

Winchester Courthouse Square Historic District, Roughly bounded by North St., and the alleys located to the E of Main St., Winchester, 01000405

St. Joseph County

Evergreen Hill, 59449 Keria Trail, South Bend, 01000410

Wayne County

Dennis, David Worth, House, 610 W. Main St., Richmond, 01000404

Kansas

Doniphan County

St. Mary's Catholic Church, 446 KS 137, Purcell, 01000413

Nemaha County

Marion Hall, Jct. of Main and First St., Baileyville, 01000411

Shawnee County

Topeka Cemetery—Mausoleum Row, 1601 E. 10th St., Topeka, 01000409

Sherman County

Kuhrt Ranch, 2725 KS 77, Edson, 01000408

Wallace County

Clark—Robidoux House, 4th St., Wallace, 01000406

Maryland

Baltimore Independent city

Coca-Cola Baltimore Branch Factory, 1215 E. Fort Ave., Baltimore (Independent City), 01000407

Michigan

Macomb County

Erin—Warren Fractional District No. 2 Schoolhouse, 15500 Nine Mile Rd., Eastpointe, 01000412

New York

Rensselaer County

Fox, Albert R., House, 2801 NY 66, Sand Lake, 01000430

North Carolina

Avery County

Weaving Room of Crossnore School, 205 Johnson Ln., Crossnore, 01000417

Caldwell County

Mary's Grove, 2121 Harper Ave., SW, Lenoir, 01000418

Durham County

Watts—Hillandale Historic District, (Durham MRA) Roughly bounded by Durham Waterworks, Wilson St., Sprunt Ave., Broad St., Englewood Ave., and Hillsborough Rd., Durham, 01000427

Haywood County

Shackford Hall, 80 Shackford Hall Rd., Lake Junaluska, 01000419

Mecklenburg County

Crane Company Building (Former), 1307 W. Morehead St., Charlotte, 01000423

Tompkins, Daniel A., Company Machine Shop, Former, 1900 South Boulevard, Charlotte, 01000422

Wake County

Cannady—Brogden Farm, Address Restricted, Creedmoor, 01000424

Cary Historic District, (Wake County MPS) Roughly along Dry Ave., S. Academy St., and Park St., Cary, 01000425

New Hill Historic District, Roughly 0.5 S of jct. of Old US 1 and NC 1127, and 2 mi. W of jct. with Old US 1, New Hill, 01000426

Panther Branch School, (Wake County MPS) NC 2727, 0.5 mi. S of NC 183, Raleigh, 01000421

Riley Hill School, NC 2320, 0.2 mi. E of NC2318, Wendell, 01000415

St. Matthews School, (Wake County MPS) US 401, 0.5 mi NE of NC 2213, Raleigh, 01000416

Yancey County

Buck, David M., House, NC 1395, 1.1 mi. SW of jct with NC 1401, Bald Mountain, 01000420

North Dakota

Mercer County

Knife River Bridge near Stanton, (Historic Roadway Bridges of North Dakota MPS) Cty. Rd., 4 mi. W and 1 mi. N of Stanton, Stanton, 01000428

South Dakota

Sully County

Sully County Courthouse, (County Courthouses of South Dakota MPS) Main and Ash Sts., Onida, 01000414

Tennessee

Hardeman County

Avent, James Monroe, House, 220 Railroad Ave., Hickory Valley, 01000436

Texas

El Paso County

El Paso US Courthouse, 511 W. San Antonio Ave., El Paso, 01000434

Galveston County

Galveston US Post Office, Custom House and Courthouse, 25th St. and F Ave., Galveston, 01000438

Harrison County

Marshall US Post Office, 100 E. Houston St., Marshall, 01000435

Smith County

Tyler US Post Office and Courthouse, 211 W. Ferguson St., Tyler, 01000433

Tarrant County

Fort Worth US Courthouse, 501 W. 10th St., Fort Worth, 01000437

Travis County

Austin US Courthouse, 200 West Eighth St., Austin, 01000432

Washington

Pierce County

Nisqually Power Substation, 2416 S. C St., Tacoma, 01000429

Walla Walla County

Waitsburg High School, 421 Coopei St., Waitsburg, 01000431

[FR Doc. 01–8683 Filed 4–6–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate a Cultural Item in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate a cultural item in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA, that meets the definition of ''unassociated funerary object'' under Section 2 of the Act.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of this cultural item. The National Park Service is not responsible for the determinations within this notice.

The one cultural item is a string of stone beads.

In 1900, this cultural item was collected by Alfred M. Tozzer from a grave at an unknown location in northern California. The cultural item was donated to the Peabody Museum of Archaeology and Ethnology by Professor Tozzer in 1941. Museum records indicate that the grave was ''Maidu.'' The specific cultural attribution indicates that the collector was aware of the cultural affiliation of the burial, and suggests that it dates to historic times.

Based on the specific cultural attribution in museum records, the probable historic date of the burial, and the geographical location of origin within a region historically associated with the Maidu, the cultural item is considered to be culturally affiliated with the Maidu Tribe. The Maidu Tribe

is represented by the present-day Berry Creek Rancheria of Maidu Indians of California; the Greenville Rancheria of Maidu Indians of California; the Enterprise Rancheria of Maidu Indians of California; the Mechoopda Indian Tribe of Chico Rancheria, California; Mooretown Rancheria of Maidu Indians of California; and the Susanville Indian Rancheria of California.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (d)(2)(ii), this cultural item is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and is believed, by a preponderance of the evidence, to have been removed from a specific burial site of an Native American individual. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between this unassociated funerary object and the Berry Creek Rancheria of Maidu Indians of California; the Greenville Rancheria of Maidu Indians of California; the Enterprise Rancheria of Maidu Indians of California; the Mechoopda Indian Tribe of Chico Rancheria, California; Mooretown Rancheria of Maidu Indians of California; and the Susanville Indian Rancheria of California.

This notice has been sent to officials of the Berry Creek Rancheria of Maidu Indians of California; the Greenville Rancheria of Maidu Indians of California; the Enterprise Rancheria of Maidu Indians of California; the Mechoopda Indian Tribe of Chico Rancheria, California; Mooretown Rancheria of Maidu Indians of California; and the Susanville Indian Rancheria of California. Representatives of any other Indian tribe that believes itself to be culturally affiliated with this unassociated funerary object should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495–2254, before May 9, 2001. Repatriation of this unassociated funerary object to the Berry Creek Rancheria of Maidu Indians of California; the Greenville Rancheria of Maidu Indians of California; the Enterprise Rancheria of Maidu Indians of California; the Mechoopda Indian Tribe of Chico Rancheria, California; Mooretown Rancheria of Maidu Indians of California; and the Susanville Indian Rancheria of California may begin after that date if no additional claimants come forward.

Dated: March 21, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–8681 Filed 4–6–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate a Cultural Item in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate a cultural item in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA, that meets the definition of ''unassociated funerary object'' under Section 2 of the Act.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of this cultural item. The National Park Service is not responsible for the determinations within this notice.

The one cultural item is a metal butcher knife.

Prior to 1870, human remains and associated funerary objects were collected by Acting Assistant Surgeon G. P. Hachenberg, U.S. Army, from a grave near Fort Randall, SD. Surgeon Hachenberg donated the human remains and the associated funerary objects to the Army Medical Museum (forerunner of the National Museum of Health and Medicine), Washington, DC, in 1869. Museum records indicate that the remains were of a Yankton Sioux boy.

The human remains were later transferred to the Smithsonian Institution by the Army Medical Museum. The National Museum of Natural History repatriated these human remains to the Yankton Sioux Tribe of South Dakota in 1995.

In 1876, this cultural item was transferred to the Peabody Museum of Archaeology and Ethnology from the Army Medical Museum.

Because the human remains associated with this cultural item were repatriated to the Yankton Sioux Tribe of South Dakota in 1995, this cultural item is considered to be an unassociated funerary object.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (d)(2)(ii), this cultural item is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and is believed, by a preponderance of the evidence, to have been removed from a specific burial site of an Native American individual. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between this unassociated funerary object and the Yankton Sioux Tribe of South Dakota.

This notice has been sent to officials of the Yankton Sioux Tribe of South Dakota. Representatives of any other Indian tribe that believes itself to be culturally affiliated with this unassociated funerary object should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495–2254, before May 9, 2001. Repatriation of this unassociated funerary object to the Yankton Sioux Tribe of South Dakota may begin after that date if no additional claimants come forward.

Dated: March 21, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–8682 Filed 4–6–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Control of the U.S. Department of the Interior, Bureau of Reclamation, Eastern Colorado Area Office, Loveland, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human

remains and associated funerary objects in the control of the U.S. Department of the Interior, Bureau of Reclamation, Eastern Colorado Area Office, Loveland, CO.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Bureau of Reclamation, Eastern Colorado Area Office professional staff in consultation with representatives of the Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne-Arapaho Tribes of Oklahoma; and the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.

In December 2000, the Bureau of Reclamation, Eastern Colorado Area Office presented a disposition proposal to the Native American Graves Protection and Repatriation Review Committee to repatriate culturally unidentifiable human remains in its control to the Arapahoe Tribe of the Wind River Reservation, Wyoming; the Cheyenne-Arapaho Tribes of Oklahoma; and the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana. On Januray 23, 2001, the Assistant Director, Cultural Resources Stewardship and Partnerships, writing on behalf of the Secretary of the Interior, informed the Bureau of Reclamation that the review committee concurred with the disposition proposal at the review committee's December 2000 meeting. The letter confirmed that concurrence.

In 1982, during a cultural resources compliance survey of lands managed by Bureau of Reclamation, four bone fragments representing the human remains of one individual were recovered from the surface of archeological site 5LR42 near Dam #1 at Carter Lake, CO. In 1992, a human burial was inadvertently discovered eroding from the hillside near the same location. After consultation with potentially affiliated tribes, intentional excavations were undertaken by Native Cultural Services of Boulder, CO, under contract to the Bureau of Reclamation. The human remains from that burial were evaluated by professional physical anthropologist Robert J. Mutaw, who determined that they represented one individual.

Both sets of human remains were curated originally at the Anthropology Museum, University of Colorado in Boulder, CO. In 1998, they were transferred to the National Park Service's Rocky Mountain National Park in 1998, and in January 2001, the human remains from both the 1982 and 1992 discoveries were returned to the Anthropology Museum, University of Colorado, Boulder, CO, to be held until repatriation or disposition occurs. For the human remains recovered in 1982, which are the subject of this Notice of Inventory Completion, no known individual was identified and no associated funerary objects are present. The human remains recovered in 1992 are the subject of a separate Notice of Disposition.

Examination of the skeletal elements recovered from the site in 1982 and 1992 indicates that the human remains recovered at the two different times are from the same individual. Evaluation of archeological evidence and ethnographic burial practices indicates that the human remains are those of a Native American of prehistoric age. The site was occupied or used during the Middle Archaic period and again during the Late Archaic/Early Ceramic period; no historic materials were recovered. Because there were no associated funerary objects, it is not possible to determine at what date during the prehistoric period the individual was buried.

Based on the above-mentioned information, officials of the Bureau of Reclamation have determined that, pursuant to 43 CFR 10.2 (d) (1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the Bureau of Reclamation also have determined that there is no relationship of shared group identity that can reasonably be traced between these human remains and any present-day Indian tribe or group. In accordance with the recommendation of the Native American Graves Protection and Repatriation Review Committee, the disposition of these remains will be to the following tribes with aboriginal ties to the area in which the remains were recovered: the Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne-Arapaho Tribes of Oklahoma; and the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.

This notice has been sent to officials of the Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne-Arapaho Tribes of Oklahoma; Comanche Indian Tribe, Oklahoma; Shoshone Tribe of the Wind River Reservation, Wyoming; Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation, New Mexico; the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; and the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah. Representatives of any other tribe that believes itself to be culturally affiliated with these human remains should contact Will Tully, Environmental Specialist, Bureau of Reclamation, Eastern Colorado Area Office, 11056 West County Road 18 E, Loveland, CO 80537, telephone (970) 962–4368, before May 9, 2001. Repatriation of these human remains to the Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne-Arapaho Tribes of Oklahoma; and the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana may begin after that date if no additional claimants come forward.

Dated: March 21, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–8680 Filed 4–6–01; 8:45 am]

BILLING CODE 4310–70–F

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–435]

In the Matter of Certain Integrated Repeaters, Switches, Transceivers, and Products Containing Same; Notice of Commission Determination Not To Review an Initial Determination Granting Complainants' Motion for Summary Determination That They Satisfy the Economic Prong of the Domestic Industry Requirement

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ's'') initial determination (''ID'') granting complainants' motion for summary determination that they satisfy the economic prong of the domestic industry requirement of 19 U.S.C. § 1337(a)(3).

FOR FURTHER INFORMATION CONTACT: Timothy P. Monaghan, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–3152.

SUPPLEMENTARY INFORMATION: The Commission instituted this patent-based section 337 investigation on August 17, 2000, based on a complaint filed by Intel Corp. (''Intel'') and Level One Communications, Inc. (''Level One''). The respondent named in the investigation is Altima Communications, Inc. (''Altima'').

On March 16, 2001, complainants Intel and Level One moved pursuant to Commission rule 210.18 for summary determination that they satisfy the economic prong of the domestic industry requirement of section 337 for U.S. Letters Patent Nos. 5,608,341 and 5,742,603. The Commission investigative attorney supported the motion. Altima opposed the motion.

On March 16, 2001, the ALJ granted the motion for summary determination. No petitions for review were filed.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and Commission rule 210.42, 19 C.F.R. 210.42. Copies of the public version of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov)._ The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at http://dockets.usitc.gov/eol/public.

Issued: April 2, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–8584 Filed 4–6–01; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–724 (Review)]

Manganese Metal from China

AGENCY: International Trade Commission.

ACTION: Termination of five-year review.

SUMMARY: The subject five-year review was initiated in January 2001 to determine whether revocation of the antidumping duty order on manganese metal from China would be likely to lead to continuation or recurrence of dumping and of material injury to a domestic industry. On April 2, 2001, the Department of Commerce published notice that it was revoking the order ''(b)ecause the domestic interested parties have withdrawn, in full, their participation in the ongoing sunset reviews'' (66 FR 17524). Accordingly, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), the subject review is terminated.

EFFECTIVE DATE: April 2, 2001.

FOR FURTHER INFORMATION CONTACT: Vera Libeau (202–205–3176), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at *http://dockets.usitc.gov/eol/public*

Authority: This review is being terminated under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.69 of the Commission's rules (19 CFR 207.69).

Issued: April 4, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–8653 Filed 4–6–01; 8:45 am]

BILLING CODE 7020–02–U

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA–455]

Certain Network Interface Cards and Access Points for Use in Direct Sequence Spread Spectrum Wireless Local Area Networks and Products Containing Same; Notice of Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 9, 2001, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Proxim, Inc. of Sunnyvale, California. A supplement to the complaint was filed on March 29, 2001. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain network interface cards and access points for use in direct sequence spread spectrum wireless local area networks and products containing same by reason of infringement of claims 6–8 of U.S. Letters Patent 5,077,753, claims 13, 15, 20, 22, 24–26, 30, 33, 35–37, 40, 42, and 50 of U.S. Letters Patent 5,809,060, and claims 1–31 of U.S. Letters Patent 6,075,812. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint and supplement, except for any confidential information contained therein, are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at *http://dockets.usitc.gov/eol/public.*

FOR FURTHER INFORMATION CONTACT: Jeffrey R. Whieldon, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2580.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in § 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR § 210.10 (2000).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on April 3, 2001, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain network interface cards and access points for use in direct sequence spread spectrum wireless local area networks or products containing same by reason of infringement of claims 6, 7, or 8 of U.S. Letters Patent 5,077,753, claims 13, 15, 20, 22, 24–26, 30, 33, 35–37, 40, 42, or 50 of U.S. Letters Patent 5,809,060, or claims 1–31 of U.S. Letters Patent 6,075,812, and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Proxim, Inc., 510 DeGuigne Drive, Sunnyvale, California 94086.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Acer NeWeb Corporation 6F, 110, Tung Ta Road, Sec 2, Hsinchu, Taiwan
Acer America Corporation 2641 Orchard Parkway, San Jose, California 95134
Addtron Technology Company, Ltd. 4425 Cushing Parkway, Fremont, California 94538
AmbiCom, Inc., 48295 Fremont Blvd, Suite A, Fremont, California 94538
Cabletron Systems, Inc., 35 Industrial Way, Rochester, New Hampshire 03867
Enterasys Networks, Inc., 35 Industrial Way, Rochester, New Hampshire 03867
Powermatic Data Systems Ltd. 135 Joo Seng Road #08–01 PM Industrial Building Singapore 368363
Compex, Inc., 4051 E. La Palma Ave., Anaheim, California 92807
D-Link Corporation 20, Park Ave. 2, Hsinchu, Taiwan
D-Link Systems, Inc., 53 Discovery Drive, Irvine, California 92618
The Linksys Group, Inc., 17401 Armstrong Ave., Irvine, California 92614
MELCO, Inc., Kamiya Bldg., 11–50, Ohsu 4-chome, Naka-ku, Nagoya, 460–0011 Japan
Buffalo Technology (U.S.A.), Inc., 1977 W. 190th Street, Suite 100, Torrance, California 90504
TechWorks, Inc., 4030 W. Braker Lane #350, Austin, Texas 78759

(c) Jeffrey R. Whieldon, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 401, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with § 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received no later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and to authorize the administrative law judge and the Commission, without further notice to that respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against that respondent.

Issued: April 3, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–8673 Filed 4–6–01; 8:45 am]

BILLING CODE 7020–02–U

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–414 and 731–TA–928 (Preliminary)]

Softwood Lumber From Canada

AGENCY: United States International Trade Commission.

ACTION: Institution of countervailing duty and antidumping investigations and scheduling of preliminary phase investigations.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase countervailing duty investigation No. 701–TA–414 (Preliminary) and antidumping investigation No. 731–TA–928 (Preliminary) under sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. § 1671b(a) and 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Canada of softwood lumber, provided for in subheadings 4407.10.00, 4409.10.10, 4409.10.20, and 4409.10.90 of the Harmonized Tariff Schedule of the United States, that are alleged to be subsidized by the Government of Canada and sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to sections 702(c)(1)(B) or 732(c)(1)(B) of the Act (19 U.S.C. § 1671a(c)(1)(B) or 1673a(c)(1)(B)), the Commission must reach preliminary determinations in countervailing duty and antidumping investigations in 45 days, or in this case by May 17, 2001. The Commission's views are due at the Department of Commerce within five business days thereafter, or by May 24, 2001.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

EFFECTIVE DATE: April 2, 2001.

FOR FURTHER INFORMATION CONTACT: Jim McClure (202–205–3191), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at http://dockets.usitc.gov/eol/public.

SUPPLEMENTARY INFORMATION:

Background

These investigations are being instituted in response to a petition filed on April 2, 2001, by the Coalition for Fair Lumber Imports, Washington, DC, the United Brotherhood of Carpenters and Joiners, Portland, OR, and the Paper, Allied-Industrial, Chemical and Energy Workers International Union, Nashville, TN.

Participation in the Investigations and Public Service List

Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission countervailing duty and antidumping investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. § 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference

The Commission's Director of Operations has scheduled a conference in connection with these investigations for 9:30 a.m. on April 23, 2001, at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. Parties wishing to participate in the conference should contact Jim McClure (202–205–3191) not later than April 19, 2001, to arrange for their appearance. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written Submissions

As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before April 26, 2001, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: April 3, 2001.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–8585 Filed 4–6–01; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–868–869 (Final)]

Steel Wire Rope From China and India

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports from China and India of steel wire rope, provided for in subheadings 7312.10.60 and 7312.10.90 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted these investigations effective March 1, 2000, following receipt of a petition filed with the Commission and the Department of Commerce by The Committee of Domestic Steel Wire Rope and Specialty Cable Manufacturers (Committee),[2] Washington, DC. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by the Department of Commerce that imports of steel wire rope from China and India were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of November 9, 2000 (65 FR 67402). The hearing was held in Washington, DC, on February 21, 2001, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on March 30, 2001. The views of the Commission are contained in USITC Publication 3406 (March 2001), entitled Steel Wire Rope from China and India: Investigations Nos. 731–TA–868–869 (Final).

Issued: April 2, 2001.

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] The Committee comprises the following U.S. producers: Bergen Cable Technology, Inc.; Bridon American Corp.; Carolina Steel & Wire Corp.; Continental Cable Co.; Loos & Co., Inc.; Paulsen Wire Rope Corp.; Sava Industries, Inc.; Strandflex, a division of MSW, Inc.; and Wire Rope Corp. of America, Inc.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–8583 Filed 4–6–01; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. TA–201–67 (Consistency Determination)]

Wheat Gluten: Procedures for Determination Under Section 129(a)(4) of the URAA

AGENCY: United States International Trade Commission.

ACTION: Procedures relating to determination under section 129(a)(4) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3538(a)(4)).

SUMMARY: The Commission adopted these procedures following receipt on April 3, 2001, of a request from the United States Trade Representative (USTR) for a determination under section 129(a)(4) of the URAA that would render the Commission's action in investigation No. TA–201–67, Wheat Gluten, not inconsistent with the findings of the WTO Appellate Body in its report entitled ''United States—Definitive Safeguard Measures on Imports of Wheat Gluten from the European Communities,'' AB–2000–10.

EFFECTIVE DATE: April 9, 2001.

FOR FURTHER INFORMATION CONTACT: Robert Carpenter (202–205–3172), Office of Investigations, or John Henderson (202–708–2310), Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1820. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov). The public record of investigation No. TA–201–67 may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at http://dockets.usitc.gov/eol/public. The non-confidential versions of any submissions received as well as the staff report prepared for this phase of the investigation will also be available for viewing as they are received.

SUPPLEMENTAL INFORMATION:

Background. On March 18, 1998, the Commission transmitted to the President a unanimous affirmative determination and remedy recommendation in its investigation under section 202 of the Trade Act of 1974 (19 U.S.C. 2252) that wheat gluten is being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic wheat gluten industry (investigation No. TA–201–67, Wheat Gluten, USITC Pub. 3088 (March 1998)). The President issued Proclamation 7103 and applied a safeguard measure on imports of wheat gluten. The European Union subsequently requested review under the WTO Understanding on Rules and Procedures Governing the Settlement of Disputes. A WTO Appellate Body issued its report on December 22, 2000, and found, *inter alia*, that the action of the Commission in its investigation No. TA–201–67, Wheat Gluten, is not in conformity with the obligations of the United States under the WTO Agreement on Safeguards. The Appellate Body made three findings in this regard, which it set out in paragraphs 80 through 92, 93 through 100, and 156 through 163, of its report.

The USTR transmitted his request for this determination following receipt from the Commission on March 22, 2001, of an advisory report under section 129(a)(1) stating that the Commission has concluded that title II of the Trade Act of 1974 permits it to take steps in connection with its action in Investigation No. TA–201–67, Wheat Gluten, that would render its action in that proceeding not inconsistent with the findings of the Appellate Body.

Participation in the Investigation and Service List

Persons wishing to participate in this phase of the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules (19 CFR 201.11), not later than April 13, 2001. The Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties in this phase of the investigation upon the expiration of the period for filing entries of appearance. Notwithstanding section 201.16 of the Commission's rules, written submissions provided for below filed by the parties shall be served by hand or by overnight mail or its equivalent.

Limited Disclosure of Confidential Business Information (CBI) Under an Administrative Protective Order (APO) and CBI Service List

Because all parties receiving CBI under the APO in the original investigation were required to return or destroy all CBI received under the APO, parties wishing to receive CBI under an APO in this phase of the investigation must file a new application. Pursuant to section 206.17 of the Commission's rules, the Secretary will make CBI which was gathered during the original investigation (No. TA–201–67) available to authorized applicants under the APO issued in this phase of the investigation, provided that the application is made not later than April 13, 2001. A separate service list will be maintained by the Secretary for those parties authorized to receive CBI under the APO. By the close of business April 16, 2001, the Secretary will make available to authorized parties a copy of the confidential version of the record of the original investigation (No. TA–201–67) and a copy of the staff report for this phase of the investigation.

Written Comments

Parties wishing to file written comments with the Commission in connection with this determination must file such comments with the Secretary to the Commission not later than the close of business April 23, 2001. Any responses to such comments must be filed with the Secretary not later than the close of business April 30, 2001. Comments by parties shall not exceed 40 pages double-spaced, and responses shall not exceed 20 pages double-spaced, excluding exhibits; exhibits shall not contain any argumentation. Non-parties may file a single set of comments with the Secretary not later than the close of business April 23, 2001, which shall not exceed 10 pages double-spaced. All comments shall be limited solely to information in the record of the original investigation (No. TA–201–67), and may include comments regarding the Commission's conclusion in the advisory report under section 129(a)(1). All written comments must conform with the provisions of section 201.8 of the Commission's rules (19 CFR 201.8); any comments that contain confidential business information must also conform with the requirements of section 201.6 of the Commission's rules. The Commission's rules do not authorize the filing of submissions with the Secretary by facsimile or electronic means. The Commission will not hold a public

hearing in connection with this determination.

Issued: April 5, 2001.
By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–8827 Filed 4–6–01; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decrees Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, the Department of Justice gives notice that two proposed consent decrees in the case captioned *United States* v. *Avanti Development, Inc., et al.,* Civil Action No. IP01–402–C–B/S (S.D. Ind.) were lodged with the United States District Court for the Southern District of Indiana on March 26, 2001. The proposed consent decrees relate to the Avanti Superfund Site (the ''Site'') in Indianapolis, Indiana.

The proposed consent decrees would resolve certain civil claims of the United States for recovery of unreimbursed past response costs under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607, against the following defendants: Avanti Development, Inc.; Big V Associates; Quemetco, Inc., RSR Corporation, and Quemetco Metals, Ltd. f/k/a Murph Metals, Inc., f/k/a Southern Lead Corp. (and their alleged predecessors Western Lead Products Co. and Indiana Smelting Corp.); The Doe Run Resources Corp. (f/k/a St. Joe Minerals Corp.); Oxide and Chemical Corp., American Oxide Corp., Indiana Oxide Corp., and Oxide Services Corporation d/b/a O&C Corporation; Johnson Controls, Inc. and Johnson Controls Battery Group, Inc. (as successor to Globe Union, Inc.); Brodey & Brodey, Inc.; Honeywell International Inc. (f/k/a AlliedSignal Inc., f/k/a Allied Corporation, f/k/a Allied Chemical Corporation, as successor to the Prestolite Division of Eltra Corporation); Exide Corporation and General Battery Corporation; J. Solotken & Company, Inc.; Ace Battery, Inc.; Alter Barge Line, Inc. (and its corporate affiliates Alter Co., Alter Trading Corp., and Alter Trading Co., L.C.); Indiana Battery Co., Inc.; The Recycling Group, Inc. (as the alleged successor to Fred Schuchman Co., Schuchman Metals, Inc., SMI Industries, Inc., Langsdale Metals, Inc, Indianapolis Materials Recycling Facility, Inc., J. Kasle & Sons, Inc, Kasle Recycling, Inc., and Kasle Recycling Metallic Resources Corp.); SW Industries, Inc.; Oscar Winski Co., Inc.; Sugar Creek Scrap, Inc.; TDY Holdings, LLC and TDY Industries, Inc. (as the alleged successors to A.H. Wirz Co. or A.J. Wirz Co.); and SARCO, Inc. (as alleged successor to J. Kasle & Sons, Inc, Kasle Recycling, Inc., and Kasle Recycling Metallic Resources Corp.) and Barry Schuchman, individually. Taken together, the two proposed consent decrees—captioned ''Consent Decree with Settling Landowners'' and ''Consent Decree with Non-Landowner Settling PRPs''—would provide for payment of $1.24 million toward the United States' past response costs associated with the Site.

For a period of thirty (30) days from the date of this publication, the Department of Justice will receive comments relating to the proposed consent decrees. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Avanti Development, Inc., et al.,* Civil Action No. IP01–402–C–B/S (S.D. Ind.), and DOJ Reference No. 90–11–3–06099.

The proposed consent decrees may be examined at: (1) The Office of the United States Attorney for the Southern District of Indiana, 10 West Market Street, Suite 2100, Indianapolis, Indiana 46204 (contact Harold Bickham (317–226–6333)); and (2) the United States Environmental Protection Agency (Region 5), 77 West Jackson Boulevard, Chicago, Illinois 60604 (contact Kevin Chow (312–353–6181)). Copies of the proposed consent decrees may also be obtained by mail from the Department of Justice consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting copies, please refer to the above-referenced case name and DOJ Reference Number, and enclose a check made payable to the Consent Decree Library for $26.25 for both consent decrees (105 pages at 25 cents per page reproduction cost), $9.50 for the ''Consent Decree with Settling Landowners only (38 pages at 25 cents per page), or $16.75 for the ''Consent Decree with Non-Landowner Settling PRPs'' only (67 pages at 25 cents per page).

W. Benjamin Fisherow,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–8578 Filed 4–6–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Partial Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 et seq.

Under 28 CFR 50.7, notice is hereby given that on March 28, 2001, a proposed partial consent decree (''consent decree'') in *United States* v. *Chrysler Corp., et al.,* Civil Action No. 5:97CV00894, was lodged with the United States District Court for the Northern District of Ohio.

In this action the United States sought recovery, under Sections 107(a) and 113 of the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. 9607(a) and 9613, of response costs incurred in connection with the Krejci Dump Site in Summit County, Ohio (''Site''). The Decree resolves claims under Sections 106 and 107 of CERCLA against five companies alleged to be liable as a result of having arranged for the disposal of hazardous substances at the Site or having transported hazardous substances to the Site: DaimlerChrysler Corporation, Waste Management of Ohio, Inc., Chevron U.S.A. Inc., Kewanee Industries, Inc., and The Federal Metal Company. The Decree recovers $4,297,500 in response costs, and $477,500 for natural resource damages, relating to the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, DC 20044–7611, and should refer to *United States* v. *Chrysler Corp., et al.,* D.J. Ref. No. 90–11–3–768.

The proposed consent decree may be examined at the Office of the United States Attorney, 1800 Bank One Center, 600 Superior Avenue, Cleveland, Ohio. A copy of the proposed consent decree may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please enclose a check in the amount of $7.75 (25 cents per page reproduction cost) payable to the Consent Decree Library.

W. Benjamin Fisherow,

Deputy Chief, Environmental Enforcement Section, Environmental and Natural Resources Division.

[FR Doc. 01–8576 Filed 4–6–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Tenth Consent Decree in United States v. Nalco Chemical Company, et al., Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that a proposed tenth Consent Decree in *United State* v. *Nalco Chemical Company, et al.,* Case No. 91–C–4482 (N.D. Ill.) entered into by the United States on behalf of U.S. EPA and Rockford Products, Inc. was lodged on March 30, 2001 with the United States District Court for the Northern District of Illinois. The proposed Consent Decree resolves certain claims of the United States against Rockford Products, Inc. under the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. 9601 *et seq.* relating to the Byron Salvage Superfund Site in Ogle County, Illinois. This Consent Decree is a past costs only settlement and provides for Rockford Products, Inc. to pay $81,142 to the Hazardous Substances Superfund. The Department of Justice will receive comments relating to the proposed Consent Decree for 30 days following the publication of this Notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044, and should refer to *United States* v. *Nalco Chemical Company, et al.,* D.J. Ref. No. 90–11–3–687. The proposed Consent Decree may be examined at the Office of the United States Attorney for the Northern District of Illinois, 219 S. Dearborn St., Chicago, Illinois 60604; and the Region V Office of the United States Environmental Protection Agency, 77 West Jackson Street, Chicago, Illinois 60604. A copy of the Consent Decree may also be obtained by request addressed to the Department of Justice Consent Decree Library, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044. In requesting a copy of the Consent Decree, please enclose a check in the amount of $5.00 (25 cents per page for reproduction costs), payable to the Consent Decree Library.

W. Benjamin Fisherow,

Deputy Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–8577 Filed 4–6–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Appliance Research Consortium, Inc. (Formerly Known as Appliance Industry-Government CFC Replacement Consortium, Inc.)

Notice is hereby given that, on March 9, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Appliance Research Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership and in its nature and objectives. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Huntsman Polyurethanes (a business unit of Huntsman International LLL—f/k/a Huntsman ICI Chemicals, LLC), West Deptford, NJ; OSI Specialties, Greenwich, CT; BSH Home Appliance Corp., Los Angeles, CA; Viking Range Corp., Greenwood, MS; and Broan—Nu Tone LLC, Hartford, WI have been added as parties to this venture. AlliedSignal Inc. has merged with Honeywell, Inc., Morristown, NJ, with Honeywell being the survivor; and Exxon Chemical Company has merged with Mobil Oil Corporation and has changed its name to ExxonMobil Chemical Company, Edison, NJ. Also, Tecumseh Products Company, Tecumseh, MI has been dropped as a party to this venture.

The purpose of the Corporation has been expanded to include research and reporting on safe cooking technologies.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Appliance Research Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On September 19, 1989, Appliance Research Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on November 1, 1989 (54 FR 46136).

The last notification was filed with the Department on June 27, 1997. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on August 12, 1997 (62 FR 43184).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–8580 Filed 4–6–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Interconnection Technology Research Institute (''ITRI'')

Notice is hereby given that, on April 20, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Interconnection Technology Research Institute (''ITRI'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Auburn University, Auburn, AL; Carolina Circuits, Greenville, SC; Cisco Systems, San Jose, CA; ETEC Systems, Inc., Tucson, AZ; Faraday Technology, Clayton, OH; HDP Users Group, Scottsdale, AZ; Intelligent Reasoning Systems, Inc. (ISRI), Austin, TX; X–LAM Technologies, Milpitas, CA; and Viasystems Group, Inc., Richmond, VA have been added as parties to this venture. Ciba Specialty Chemicals, Los Angeles, CA; Everett Charles Technologies , Pomona, CA; Methode Electronics, Willingboro, NJ; MicroModule Systems (MMS), Cupertino, CA; Tessera, Inc., San Jose, CA; and Unicam Software, Inc., Portsmouth, NH are no longer members. Also, AlliedSignal Fed. Manufacturing Technology Center, Kansas City, MO has changed its name to Honeywell Federal Manufacturing Technology Center; and Johnson Matthey Electronics, Inc., Spokane, WA has changed its name to Honeywell Electronic Materials Interconnect Metals.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Interconnection Technology Research Institute (''ITRI'') intends to file additional written notification disclosing all changes in membership.

On December 19, 1994, Interconnection Technology Research Institute (''ITRI'') filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on February 1, 1995 (60 FR 6295).

The last notification was filed with the Department on November 12, 1997. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on February 5, 1998 (63 FR 5969).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–8579 Filed 4–6–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Parole Commission

Sunshine Act Meeting; Record of Vote of Meeting Closure (Public Law 94–409) (5 U.S.C. 552b)

I, Michael J. Gaines, Chairman of the United States Parole Commission, was present at a meeting of said Commission which started at approximately 11:00 a.m. on Wednesday, March 28, 2001, at the U.S. Parole Commission, 5550 Friendship Boulevard, 4th Floor, Chevy Chase, Maryland 20815. The purpose of the meeting was to decide two appeals from the National Commissioners' decisions pursuant to 28 CFR 2.27. Four Commissioners were present, constituting a quorum when the vote to close the meeting was submitted.

Public announcement further describing the subject matter of the meeting and certifications of General Counsel that this meeting may be closed by vote of the Commissioners present were submitted to the Commissioners prior to the conduct of any other business. Upon motion duly made, seconded, and carried, the following Commissioners voted that the meeting be closed: Michael J. Gaines, Edward F. Reilly, Jr., John R. Simpson, and Timothy E. Jones, Sr.

IN WITNESS WHEREOF, I make this official record of the vote taken to close this meeting and authorize this record to be made available to the public.

Date: March 30, 2001.

Michael J. Gaines,

Chairman, U.S. Parole Commission.

[FR Doc. 01–8747 Filed 4–5–01; 10:05 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Business Research Advisory Council; Notice of Meeting and Agenda

The regular Spring meetings of the Business Research Advisory Council and its committees will be held on April 25 and 26, 2001. All of the meetings will be held in the Conference Center of the Postal Square Building, 2 Massachusetts Avenue, NE., Washington, DC.

The Business Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of technical officials from American business and industry.

The schedule and agenda for the meetings are as follows:

Wednesday, April 25, 2001—Meeting Rooms 9 & 10

10:00–11:30 a.m.—Committee on Employment Projections

1. Status of the 2000–2010 projections
2. The employment impact of electronic business
3. The employment outlook for college graduates
4. New classification systems and other data issues
5. Discussion of agenda items for the Fall 2001 meeting

1:00–2:30 p.m.—Committee on Productivity and Foreign Labor Statistics

1. Possible measurement bias in aggregate productivity measures: Update of Gullickson-Harper paper
2. Developments in industry productivity studies
3. Update on activities of the Division of International Technical Cooperation
4. Discussion of agenda items for the Fall 2001 meeting

1:00–2:30 p.m.—Committee on Safety and Health Statistics (Concurrent Session, Meeting Room #7)

1. Report on worker demographic and case circumstances data from the 1999 Survey of Occupational Injuries and Illnesses
2. Changes to the Survey of Occupational Injuries and Illnesses resulting from the revision of the OSHA record keeping rule
3. Report on the status of the Survey of Respirator Use and Practice
4. Update on the introduction of the North American Industry Classification System into the Survey of Occupational Injuries and Illnesses and the Census of Fatal Occupational Injuries
5. Proposed FY 2002 budget
6. Discussion of agenda items for the Fall 2001 meeting

3:00–4:30 p.m.—Committee on Price Indexes

1. Consumer Price Index discussion
2. Producer Price Index discussion
3. Discussion of other business
4. Discussion of agenda items for the Fall 2001 meeting

Thursday, April 26, 2001—Meeting Rooms 9 & 10

8:30–10:00 a.m.—Committee on Employment and Unemployment Statistics

1. Latest results from NLSY97 and NLSY79 surveys
2. BLS approach to secure Web reporting—demo and discussion
3. Discussion of agenda items for the Fall 2001 meeting

10:30 a.m.–12:00 p.m.—Council Meeting

1:30–3:00 p.m.—Committee on Compensation and Working Conditions

1. Welcome, introductions, administrative actions
2. Program updates:

   Employment Cost Index release

   Stock options testing

   Electronic collection issues

   Upcoming outreach activities
3. Variable pay—discussion of BLS activities and employer practices
4. Job content and evaluation mechanisms—discussion of employer practices
5. Discussion of agenda items for the Fall 2001 meeting

The meetings are open to the public. Persons with disabilities wishing to attend these meetings as observers should contact Tracy A. Jack, Liaison, Business Research Council, at (202) 691–5869, for appropriate accommodations.

Signed at Washington, DC the 1st day of April 2001.

Katharine G. Abraham,

Commissioner.

[FR Doc. 01–8643 Filed 4–6–01; 8:45 am]

BILLING CODE 4510–24–U

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–271]

Vermont Yankee Nuclear Power Corporation; Vermont Yankee Nuclear Power Station; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from certain requirements of Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Appendix G for Facility Operating License No. DPR–28, issued to Vermont Yankee Nuclear Power Corporation (VYNPC, or the licensee) for operation of the Vermont Yankee Nuclear Power Station (Vermont Yankee), located in Windham County, Vermont.

Environmental Assessment

Identification of the Proposed Action

Title 10 of the Code of Federal Regulations, Part 50, Appendix G, requires that pressure-temperature (P–T) limits be established for reactor pressure vessels (RPVs) during normal operating and hydrostatic or leak rate testing conditions. Specifically, 10 CFR Part 50, Appendix G, states, ''The appropriate requirements on both the pressure-temperature limits and the minimum permissible temperature must be met for all conditions.'' Appendix G of 10 CFR Part 50 specifies that the requirements for these limits are the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (Code), Section XI, Appendix G Limits.

The proposed action would exempt Vermont Yankee from application of specific requirements of 10 CFR part 50, Appendix G, and substitute use of ASME Code Case N–640. Code Case N–640 permits the use of an alternate reference fracture toughness (K_{IC} fracture toughness curve instead of K_{Ia} fracture toughness curve) for reactor vessel materials in determining the P–T limits. Since the K_{IC} fracture toughness curve shown in ASME Section XI, Appendix A, Figure A–2200–1 (the K_{IC} fracture toughness curve) provides greater allowable fracture toughness than the corresponding K_{Ia} fracture toughness curve of ASME Section XI, Appendix G, Figure G–2210–1 (the K_{Ia} fracture toughness curve), using Code Case N–640 for establishing the P–T limits would be less conservative than the methodology currently endorsed by 10 CFR Part 50, Appendix G, and an exemption to apply the Code Case would be required by 10 CFR 50.60.

The proposed action is in accordance with the licensee's application for exemption dated December 19, 2000.

The Need for the Proposed Action

ASME Code Case N–640 is needed to revise the method used to determine the reactor coolant system (RCS) P–T limits, since continued use of the present curves unnecessarily restricts the P–T operating window. Since the RCS P–T operating window is defined by the P–T operating and test limit curves developed in accordance with the ASME Section XI, Appendix G procedure, continued operation of Vermont Yankee with these P–T curves without the relief provided by ASME Code Case N–640 would unnecessarily require the RPV to maintain a high temperature during the pressure tests. Consequently, steam leak hazards would continue to be one of the safety concerns for personnel conducting inspections in the primary containment. Implementation of the proposed P–T curves, as allowed by ASME Code Case N–640, does not significantly reduce the margin of safety and would eliminate steam vapor hazards by allowing inspections in primary containment to be conducted at lower coolant temperature.

In the associated exemption, the staff has determined that, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the regulation will continue to be served by the implementation of this Code Case.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that the exemption described above would provide an adequate margin of safety against brittle failure of the Vermont Yankee reactor vessel.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological environmental impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impacts. Therefore, there are no significant nonradiological impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Vermont Yankee Nuclear Power Station dated December 1974.

Agencies and Persons Consulted

In accordance with its stated policy, on March 3, 2001, the staff consulted with the Vermont State official, William K. Sherman of the Department of Public Service, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated December 19, 2000. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

Dated at Rockville, Maryland, this 2nd day of April 2001.

For the Nuclear Regulatory Commission.

Robert Pulsifer,

Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–8630 Filed 4–6–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Notice of Public Meeting To Solicit Stakeholder Input on the Use of Risk Information in the Nuclear Materials Regulatory Process: Case Study on the Decommissioning of the Trojan Nuclear Plant

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) staff is developing an approach for using risk information in the nuclear materials and waste regulatory process. As part of this effort, the NRC staff is conducting case studies on a spectrum of activities in the nuclear materials and waste arenas, including site decommissioning. The purpose of the case studies is (1) to illustrate what has been done and what could be done in the materials and waste arenas to alter the regulatory approach in a risk-informed manner and (2) to establish a framework for using a risk-informed approach in the materials and waste arenas by testing a set of draft screening criteria, and determining the feasibility of safety goals.

NRC staff is in the initial phase of its case study on site decommissioning. Specifically, the case study is focusing on the decommissioning of the Trojan Nuclear Plant. The purpose of this meeting is to: (1) Communicate to stakeholders the status of this case study; (2) receive early feedback and comments from stakeholders before continuing with the case study; and (3) solicit from stakeholders comments or insights regarding the use of risk information in the NRC's regulatory process for site decommissioning. The tentative agenda for the meeting is as follows:

1. Opening remarks.
2. Provide background information and general discussion on the case study.
3. Present status of case study.
4. Receive comments, feedback, and insights from meeting attendees with regard to the case study and to using risk information in the NRC's regulatory process for site decommissioning.
5. Closing remarks.

The meeting is open to the public; all interested parties may attend and provide comments. Persons who wish to attend the meeting should contact Marissa Bailey no later than May 9, 2001.

DATES: The meeting will be held on May 11, 2001, from 9 a.m. to 12 p.m., in the U.S. Nuclear Regulatory Commission Auditorium, 11545 Rockville Pike, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Marissa Bailey, Mail Stop T–8–A–23, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Telephone: (301) 415–7648; Internet: MGB@NRC.GOV.

SUPPLEMENTARY INFORMATION: The NRC staff's case study approach, the draft screening criteria, and the case study areas under consideration are described in the ''Plan for Using Risk Information in the Materials and Waste Arenas: Case Studies'' which has been published in the **Federal Register** (65 FR 66782, November 7, 2000). Copies of this plan are also available on the Internet at http://www.nrc.gov/NMSS/IMNS/riskassessment.html. Written requests for single copies of this plan may also be submitted to the U. S. Nuclear Regulatory Commission, Office of Nuclear Materials Safety and Safeguards, Risk Task Group, Mail Stop T–8–A–23, Washington, DC 20555–0001.

Dated at Rockville, MD, this 2nd day of April, 2001.

For the Nuclear Regulatory Commission

Lawrence E. Kokajko,

Section Chief, Risk Task Group, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–8628 Filed 4–6–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Notice of Public Meeting to Solicit Stakeholder Input on the Use of Risk Information in the Nuclear Materials Regulatory Process: Case Study on the Transportation of the Trojan Nuclear Reactor Vessel

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) staff is developing an approach for using risk information in the nuclear materials and waste regulatory process. As part of this effort, the NRC staff is conducting case studies on a spectrum of activities in the nuclear materials and waste arenas, including transportation of radioactive materials. The purpose of the case studies is (1) to illustrate what has been done and what could be done in the materials and waste arenas to alter the regulatory approach in a risk-informed manner and (2) to establish a framework for using a risk-informed approach in the materials and waste arenas by testing a set of draft screening criteria, and determining the feasibility of safety goals.

NRC staff is in the initial phase of its case study on transportation of radioactive materials. Specifically, the case study is focusing on the transportation of the Trojan Nuclear Reactor vessel. The purpose of this meeting is to: (1) Communicate to stakeholders the status of this case study; (2) receive early feedback and comments from stakeholders before continuing with the case study; and (3) solicit from stakeholders comments or insights regarding the use of risk information in the NRC's regulation of radioactive materials transportation. The tentative agenda for the meeting is as follows:

1. Opening remarks
2. Provide background information and general discussion on the case study.
3. Present status of case study.
4. Receive comments, feedback, and insights from meeting attendees with regard to the case study and to using risk information in the NRC's regulation of radioactive materials transportation.
5. Closing remarks

The meeting is open to the public; all interested parties may attend and provide comments. Persons who wish to attend the meeting should contact Marissa Bailey no later than May 9, 2001.

DATES: The meeting will be held on May 11, 2001, from 1:30 p.m. to 4:30 p.m., in the U.S. Nuclear Regulatory Commission Auditorium, 11545 Rockville Pike, Rockville, MD 20852.

FOR FURTHER INFORMATION, CONTACT: Marissa Bailey, Mail Stop T–8–A–23, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Telephone: (301) 415–7648; Internet: MGB@NRC.GOV.

SUPPLEMENTARY INFORMATION: The NRC staff's case study approach, the draft screening criteria, and the case study areas under consideration are described in the ''Plan for Using Risk Information in the Materials and Waste Arenas: Case Studies'' which has been published in the **Federal Register** (65 FR 66782, November 7, 2000). Copies of this plan are also available on the Internet at http://www.nrc.gov/NMSS/IMNS/riskassessment.html. Written requests for single copies of this plan may also be submitted to the U. S. Nuclear Regulatory Commission, Office of Nuclear Materials Safety and Safeguards, Risk Task Group, Mail Stop T–8–A–23, Washington, DC 20555–0001.

Dated at Rockville, MD, this 2nd day of April, 2001.

For the Nuclear Regulatory Commission

Lawrence E. Kokajko,

Section Chief, Risk Task Group, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–8629 Filed 4–6–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of April 9, 16, 23, 30, May 7, 14, 2001.

PLACE: Commissioners' Conference Room 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of April 9, 2001

Monday, April 9, 2001

1:30 p.m. Briefing on 10 CFR Part 71 Rulemaking (Public Meeting) (Contacts: Naiem Tanious, 301–415–6103; David Pstrak, 301–415–8486)

Tuesday, April 10, 2001

10:25 a.m. Affirmation Session (Public Meeting) (If needed)

10:30 a.m. Meeting on Rulemaking and Guidance Development for Uranium Recovery Industry (Public Meeting) (Contact: Michael Layton, 301–415–6676)

Week of April 16, 2001—Tentative

There are no meetings scheduled for the Week of April 16, 2001.

Week of April 23, 2001—Tentative

Tuesday, April 24, 2001

10:25 Affirmation Session (Public Meeting) (If needed)

10:30 a.m. Discussion of Intragovernmental Issues (Closed-Ex. 9)

Week of April 30, 2001—Tentative

There are no meetings scheduled for the Week of April 30, 2001.

Week of May 7, 2001—Tentative

Thursday, May 10, 2001

10:25 a.m. Affirmation Session (Public Meeting) (If needed)

10:30 a.m. Briefing on Office of Nuclear Regulatory Research (RES) Programs and Performance (Public Meeting) (Contact: James Johnson, 301–415–6802)

Friday, May 11, 2001

10:30 a.m. Meeting with Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting) (Contact: John Larkins, 301–415–7360)

Week of May 14, 2001

There are no meetings scheduled for the Week of May 14, 2001.

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (records)—(301) 415–1292. Contact person for more information: David Louis Gamberoni (301) 415–1651.

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/SECY/smj/schedule.htm.*

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to dkw@nrc.gov.

Dated: April 5, 2001.

David Louis Gamberoni,

Technical Coordinator, Office of the Secretary.

[FR Doc. 01–8750 Filed 4–5–01; 10:15 am]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.190, ''Calculational and Dosimetry Methods for Determining Pressure Vessel Neutron Fluence,'' has been developed to provide guidance to licensees on state-of-the-art calculations and measurement procedures that are acceptable to the NRC staff for determining pressure vessel fluence.

Comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time. Written comments may be submitted to the Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Specific questions on Regulatory Guide 1.190 may be directed to Mr. W. R. Jones at the NRC at (301) 415–7558, email WRJ@NRC.GOV.

Regulatory guides are available for inspection or downloading at the NRC's web site at <*WWW.NRC.GOV*> under Regulatory Guides and in NRC's Electronic Reading Room (ADAMS System) at the same site; Regulatory Guide 1.190 is under Accession Number ML010890301. Single copies of regulatory guides may be obtained free of charge by writing the Reproduction and Distribution Services Section, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by fax to (301) 415–2289, or by email to <*DISTRIBUTION@NRC.GOV*>. Issued guides may also be purchased from the National Technical Information Service on a standing order basis. Details on this service may be obtained by writing NTIS, 5285 Port Royal Road, Springfield, VA 22161. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 30th day of March 2001.

For the Nuclear Regulatory Commission

Ashok C. Thadani,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 01–8631 Filed 4–6–01; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF MANAGEMENT AND BUDGET

Audits of States, Local Governments, and Non-Profit Organizations; Circular A–133 Compliance Supplement

AGENCY: Executive Office of the President, Office of Management and Budget.

ACTION: Notice of availability of the 2001 Circular A–133 Compliance Supplement.

SUMMARY: On April 4, 2000 (65 FR 17684), the Office of Management and Budget (OMB) issued a notice of availability of the 2000 Circular A–133 Compliance Supplement. The notice also offered interested parties an opportunity to comment on the 2000 Circular A–133 Compliance Supplement. The 2001 Supplement has been updated to add 16 additional programs, updated for program changes, and makes technical corrections. A list of changes to the 2001 Supplement can be found at Appendix 5 of the supplement. Due to its length, the 2001 Supplement is not included in this Notice. See **ADDRESSES** for information about how to obtain a copy. OMB intends to annually review, revise, and/or update this supplement. This notice also offers interested parties an opportunity to comment on the 2001 Supplement.

DATES: The 2001 Supplement will apply to audits of fiscal years beginning after June 30, 2000 and supersedes the 2000 Supplement. All comments on the 2001 Supplement must be in writing and received by October 31, 2001. Late comments will be considered to the extent practicable.

ADDRESSES: Copies of the 2001 Supplement may be purchased at any Government Printing Office (GPO) bookstore (stock numbers: 041–001–00562–5 (paper) and 041–001–00563–3 (CD–ROM)). The main GPO bookstore is located at 710 North Capitol Street, NW, Washington, DC 20401, (202) 512–0132. A copy may also be obtained under the Grants Management heading from the OMB home page on the Internet which is located at *http://www.whitehouse.gov/OMB.*

Comments on the 2001 Supplement should be mailed to the Office of Management and Budget, Office of Federal Financial Management, Financial Standards, Reporting and Management Integrity Branch, Room 6025, New Executive Office Building, Washington, DC 20503. Where possible, comments should reference the applicable page numbers. Electronic mail comments may be submitted to *tramsey@omb.eop.gov.* Please include the full body of the electronic mail comments in the text of the message and not as an attachment. Please include the name, title, organization, postal address, telephone number, and E-mail address of the sender in the text of the message.

FOR FURTHER INFORMATION CONTACT: Recipients should contact their cognizant or oversight agency for audit, or Federal awarding agency, as may be appropriate under the circumstances. Subrecipients should contact their pass-through entity. Federal agencies should contact Terrill W. Ramsey, Office of Management and Budget, Office of Federal Financial Management, Financial Standards, Reporting and Management Integrity Branch, telephone (202) 395–3993.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) received 12 comment letters on the 2000 Supplement. Ten comment letters related to a single program, Catalog of Federal Domestic Assistance (CFDA) number 93.210 titled ''Tribal Self-Governance Demonstration Program: Planning and Negotiation Cooperative Agreements and IHS Compacts.'' As a result of these comments, clarifications were made to the description of the compliance requirements for ''B. Allowable Costs/Cost Principles,'' ''E. Eligibility for Individuals,'' and ''J. Program Income;'' and in accordance with a statutory change, ''N.1 Special Tests and Provisions'' was deleted. Consultation was made with representatives of the commenters and the Department of Health and Human Services in making these changes.

The other two comment letters were considered and changes were made where appropriate.

Sean O'Keefe,

Deputy Director.

[FR Doc. 01–8609 Filed 4–6–01; 8:45 am]

BILLING CODE 3110–01–P

SMALL BUSINESS ADMINISTRATION

Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that TD Lighthouse Capital Fund, LP (''TD Lighthouse''), 303 Detroit Street, Suite 301, Ann Arbor, Michigan 48104, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, have sought an exemption under section 312 of the Act and section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') rules and regulations (13 CFR 107.730 (2000)). TD Lighthouse proposes to provide equity financing to Scimagix, Inc. (''Scimagix''), 3 Lagoon Drive, Suite 180, Redwood Shores, California 94065. The financing is contemplated for product development and working capital.

The financing is brought within the purview of Section 107.730(a)(1) of the Regulations because TD Origen Capital Fund, L.P., an Associate of TD Lighthouse, currently owns greater than 10 percent of Scimagix, and therefore Scimagix is considered an Associate of TD Lighthouse as defined in Section 107.50 of the regulations.

Notice is hereby given that any interested person may submit written comments on the transaction to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

Dated: March 29, 2001.

Harry Haskins,

Acting Associate Administrator for Investment.

[FR Doc. 01–8566 Filed 4–6–01; 8:45 am]

BILLING CODE 8025–01–U

SMALL BUSINESS ADMINISTRATION

Interest Rates

The Small Business Administration publishes an interest rate called the optional ''peg'' rate (13 CFR 120.214) on a quarterly basis. This rate is a weighted average cost of money to the government for maturities similar to the average SBA direct loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. This rate will be 5.250 (5¼) percent for the April—June quarter of FY 2001.

LeAnn M. Oliver,

Deputy Associate Administrator for Financial Assistance.

[FR Doc. 01–8666 Filed 4–6–01; 8:45 am]

BILLING CODE 8025–01–U

SMALL BUSINESS ADMINISTRATION

[License No. 02/04–5151]

Venture Opportunities Corporation; Notice of Surrender of License

Notice is hereby given that Venture Opportunities Corporation (''Venture'') 425 East 58th Street, New York, New York 10022 has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (''the Act''). Venture was licensed by the U.S. Small Business Administration on December 1, 1978.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on March 29, 2001, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 2, 2001.

Harry Haskins,

Acting Associate Administrator for Investment.

[FR Doc. 01–8565 Filed 4–6–01; 8:45 am]

BILLING CODE 8025–01–U

DEPARTMENT OF STATE

[Public Notice 3633]

Bureau for International Narcotics and Law Enforcement Affairs Anti-Domestic Violence and Trafficking in Persons Training and Technical Assistance Program

SUMMARY: The Office of Europe, NIS, and Training (INL/ENT) announces an open competition for a two-year assistance award program to increase professionalism and improve the technical capabilities of law enforcement institutions to develop prevention and early intervention strategies to combat domestic violence and trafficking in persons while protecting the human rights victims. This program includes the participation of institutions with relevant training experience (e.g., universities and non-profit organizations) in the delivery of Anti-Domestic Violence and Trafficking in Persons training and technical assistance to prosecutors, judges, police, NGOs, and shelters in Russia, Ukraine, Armenia, Moldova, and Kazakhstan. Applicants may submit a budget of up to $500,000. Cost share is encouraged, but not mandatory.

Application packages are due Thursday, May 10, 2001. Interested applicants may obtain detailed application instructions from the following web site: *www.statebuy.gov*; click on grant opportunities.

For questions, please contact: Linda Gower, Grants Officer, INL/RM/MS, Department of State, Navy Hill South, 2430 E Street, NW., Washington, DC 20520, Tel. 202–766–8774.

Dated: April 3, 2001.

Timothy E. Henderson,

Chief, Management Systems Division, Department of State.

[FR Doc. 01–8647 Filed 4–6–01; 8:45 am]

BILLING CODE 4710–17–U

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2001–7291 Notice 2]

General Motors Corporation; Denial of Application for Determination of Inconsequential Noncompliance

General Motors Corporation (GM) has determined that certain 1996–99 Model Year Chevrolet Astro and GMC Safari vans failed to comply with the requirements of 49 CFR 571.208, Federal Motor Vehicle Safety Standard (FMVSS) No. 208 ''Occupant Crash Protection,'' and filed an appropriate report pursuant to 49 CFR part 573, ''Defect and Noncompliance Information Reports.'' GM also applied to be exempted from the notification and remedy requirements of 49 U.S.C. 30118–30120 on the basis that the noncompliance is inconsequential to motor vehicle safety. See 49 U.S.C. 30118(d) and 30120(h).

Notice of receipt of the application was published on May 26, 2000, and an opportunity afforded for comment (65 FR 34248). This notice denies the application.

The report submitted by GM states that the company has built vans in which the required audible seat belt signal on some 1996–99 Model Year Chevrolet Astro and GMC Safari vans may operate for less than the 4 to 8 seconds time required by FMVSS No. 208. GM believes that the subject vehicles comply with the visual seat belt warning requirement by displaying a continuous warning light for approximately the first 20 seconds and then a flashing light for approximately 55 seconds if the driver belt is not buckled. The subject vehicles, therefore, provide a visual warning signal that exceeds the 60 second duration requirement of S7.3. GM claimed that the 75 seconds for the visual signal provides a considerable enhancement over the 4 to 8 second audio requirement.

GM believes that the subject vehicles provide an enhanced visual seat belt warning indicator to remind the driver to wear a seat belt and that the noncompliance with S7.3 in FMVSS No. 208 is therefore inconsequential to motor vehicle safety. On this basis, GM requests that the noncompliant vehicles be exempted from the notification and remedy provisions of the Safety Act.

According to GM, from June 1996 though January 1999, the company manufactured approximately 461,651 1996, 1997, 1998 and 1999 model year Chevrolet Astro and GMC Safari vans with an audible seat belt warning system that may, in a random manner (1) operate properly, (2) terminate the audible signal in less than the minimum 4 second requirement, or (3) not operate at all.

GM stated that the noncompliance results from a transient signal being generated at the seat belt switch input to the audible signal module when the ignition switch is turned to ''start'' and the seat belt latch mechanism is not fastened. The module may interpret this transient signal input as the seat belt latch mechanism being fastened and thereby terminate the audible tone. This condition is caused by a ground voltage difference between the seat belt switch and the signal module, thus creating a transient signal that the module was not designed to filter. At the time the subject module and associated wiring harness were developed, GM truck engineering did not have a formal requirement for electrical grounding and module input filtering. GM began using a new module and wiring harness in January 1999 that changed this condition.

No comments were received on the application.

The performance of seat belts in saving lives and reducing of injuries of vehicle occupants in crashes of all severities has been adequately demonstrated for years. The purpose of requiring both a visual and audible warning system is to remind vehicle occupants to fasten their seat belts. Studies reviewed by NHTSA indicate that a sequential logic system which incorporates a visible reminder light of continuous duration and a 4 to 8 second audible reminder could produce higher seat belt usage rates. In cases in which the audible signal does not operate properly or at all, drivers may not be adequately reminded to fasten their seat belts.

NHTSA will not attempt to evaluate GM's claim that a visual seat belt warning displaying a continuous warning light for 75 seconds is more effective than the 4 to 8 second audio requirement. GM has not referenced any studies that examine whether extension of the time in which the warning light operates results in a more effective reminder. In any event, if GM believes that to be the case, it can request the agency to amend FMVSS No. 208.

In consideration of the foregoing, it is hereby found that the applicant has failed to meet its burden of persuasion that the noncompliance herein described is inconsequential to safety, and its application is denied.

(49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: April 3, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 01–8637 Filed 4–6–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Environmental Assessment for Expansion of The Bureau of Engraving and Printing's Western Currency Facility; and Draft Finding of No Significant Impact

AGENCY: Bureau of Engraving and Printing, Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury is issuing this notice to inform the public of the availability of the Environmental Assessment for the proposed expansion of the Bureau of Engraving and Printing's Western Currency Facility, and a draft Finding of No Significant Impact. The Environmental Assessment (EA) has been prepared to address the environmental impacts of the proposed expansion of the Western Currency Facility. This EA was prepared under the authority of 40 CFR parts 1500 *et seq.*, the Council on Environmental Quality's National Environmental Policy Act implementing regulations.

DATES: Comments must be postmarked no later than May 9, 2001. Comments should be sent to the address given under **FOR FURTHER INFORMATION CONTACT.**

FOR FURTHER INFORMATION CONTACT: For a copy of the EA or for further information contact Ms. Colleen McKinney, Supervisory Chemical Engineer, Technical Support Division, Bureau of Engraving and Printing, 9000 Blue Mound Road, Fort Worth, Texas 76131–3304; telephone (817) 847–3820; fax (817) 847–3651. The EA is also available on the Bureau of Engraving and Printing's web site at *http://www.moneyfactory.com/ftworth.pdf.* Additionally, copies have been placed in the Fort Worth Central Library, 300 Taylor Street, Fort Worth, Texas, and the Saginaw Library, 333 West McLeroy Boulevard, Saginaw, Texas.

James J. Flyzik,

Acting Assistant Secretary for Management and Chief Information Officer.

[FR Doc. 01–8692 Filed 4–6–01; 8:45 am]

BILLING CODE 4840–01–U

DEPARTMENT OF THE TREASURY

Departmental Offices; Debt Management Advisory Committee Meeting

Notice is hereby given, pursuant to 5 U.S.C. App. sec. 10(a)(2), that a meeting will be held at the U.S. Treasury Department, 15th and Pennsylvania Avenue, NW., Washington, DC, on May 1, 2001, of the following debt management advisory committee:

The Bond Market Association Treasury Borrowing Advisory Committee

The agenda for the meeting provides for a technical background briefing by Treasury staff, followed by a charge by the Secretary of the Treasury or his designate that the Committee discuss particular issues, and a working session. Following the working session, the Committee will present a written report of its recommendations.

The background briefing by Treasury staff will be held at 9 a.m. Eastern time and will be opened to the public. The remaining sessions and the Committee's reporting session will be closed to the public, pursuant to 5 U.S.C. App. sec. 10(d).

This notice shall constitute my determination, pursuant to the authority placed in heads of departments by 5 U.S.C. App. sec. 10(d) and vested in me by Treasury Department Order No. 101–05, that the closed portions of the meeting are concerned with information that is exempt from disclosure under 5 U.S.C. 552b(c)(9)(A). The public interest requires that such meeting be closed to the public because the Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been ordered by debt management advisory committees established by several major segments of the financial community. When so utilized, such a committee is recognized to be an advisory committee under 5 U.S.C. App. sec. 3.

Although the Treasury's final announcement of financing plans may not reflect the recommendations provided in reports of the Committee, premature disclosure of the Committee's deliberations and reports would be likely to lead to significant financial speculation in the securities market. Thus, these meetings fall within the exemption covered by 5 U.S.C. 552b(c)(9)(A).

The Office of Financial Markets is responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552b.

Dated: April 2, 2001.

Michael J. Paulus,

Deputy Assistant Secretary, Federal Finance.

[FR Doc. 01–8616 Filed 4–6–01; 8:45 am]

BILLING CODE 4810–25–M

Reader Aids

Federal Register

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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AGRICULTURE DEPARTMENT

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AGRICULTURE DEPARTMENT

Grain Inspection, Packers and Stockyards Administration

Grains, oilseeds, fruits, vegetables, and nuts marketing in today's evolving marketplace; facilitation; comments due by 4-16-01; published 3-5-01

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COMMERCE DEPARTMENT

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- Ohio; comments due by 4-16-01; published 2-28-01

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

S.J. Res. 6/P.L. 107–5

Providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics. (Mar. 20, 2001; 115 Stat. 7)

Last List March 20, 2001

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CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–044–00001–6)	6.50	[4]Jan. 1, 2001
3 (1997 Compilation and Parts 100 and 101)	(869–042–00002–1)	22.00	[1] Jan. 1, 2000
4	(869–044–00003–2)	9.00	Jan. 1, 2001
5 Parts:			
1–699	(869–044–00004–1)	53.00	Jan. 1, 2001
700–1199	(869–044–00005–9)	44.00	Jan. 1, 2001
1200–End, 6 (6 Reserved)	(869–044–00006–7)	55.00	Jan. 1, 2001
7 Parts:			
1–26	(869–044–00007–5)	40.00	[4]Jan. 1, 2001
27–52	(869–044–00008–3)	45.00	Jan. 1, 2001
53–209	(869–042–00009–9)	22.00	Jan. 1, 2000
210–299	(869–042–00010–2)	54.00	Jan. 1, 2000
300–399	(869–044–00011–3)	38.00	Jan. 1, 2001
400–699	(869–044–00012–1)	53.00	Jan. 1, 2001
700–899	(869–044–00013–0)	50.00	Jan. 1, 2001
900–999	(869–044–00014–8)	54.00	Jan. 1, 2001
1000–1199	(869–042–00015–3)	18.00	Jan. 1, 2000
1200–1599	(869–042–00016–1)	44.00	Jan. 1, 2000
1600–1899	(869–044–00017–2)	57.00	Jan. 1, 2001
1900–1939	(869–044–00018–1)	21.00	[4]Jan. 1, 2001
1940–1949	(869–044–00019–9)	37.00	[4]Jan. 1, 2001
1950–1999	(869–044–00020–2)	45.00	Jan. 1, 2001
2000–End	(869–044–00021–1)	43.00	Jan. 1, 2001
8	(869–044–00022–9)	54.00	Jan. 1, 2001
9 Parts:			
*1–199	(869–044–00023–7)	55.00	Jan. 1, 2001
200–End	(869–044–00024–5)	53.00	Jan. 1, 2001
10 Parts:			
1–50	(869–044–00025–3)	55.00	Jan. 1, 2001
*51–199	(869–044–00026–1)	52.00	Jan. 1, 2001
200–499	(869–042–00027–7)	38.00	Jan. 1, 2000
500–End	(869–044–00028–8)	55.00	Jan. 1, 2001
***11**	(869–044–00029–6)	31.00	Jan. 1, 2001
12 Parts:			
1–199	(869–044–00030–0)	27.00	Jan. 1, 2001
200–219	(869–044–00031–8)	32.00	Jan. 1, 2001
220–299	(869–044–00032–6)	54.00	Jan. 1, 2001
*300–499	(869–044–00033–4)	41.00	Jan. 1, 2001
500–599	(869–042–00034–0)	26.00	Jan. 1, 2000
600–End	(869–042–00035–8)	53.00	Jan. 1, 2000
13	(869–044–00036–9)	45.00	Jan. 1, 2001
14 Parts:			
1–59	(869–042–00037–4)	58.00	Jan. 1, 2000
60–139	(869–042–00038–2)	46.00	Jan. 1, 2000
*140–199	(869–044–00039–3)	26.00	Jan. 1, 2001
*200–1199	(869–044–00040–7)	44.00	Jan. 1, 2001
1200–End	(869–044–00041–5)	37.00	Jan. 1, 2001
15 Parts:			
0–299	(869–044–00042–3)	36.00	Jan. 1, 2001
*300–799	(869–044–00043–1)	54.00	Jan. 1, 2001
800–End	(869–042–00044–7)	26.00	Jan. 1, 2000
16 Parts:			
0–999	(869–042–00045–5)	33.00	Jan. 1, 2000
1000–End	(869–044–00046–6)	53.00	Jan. 1, 2001
17 Parts:			
1–199	(869–042–00048–0)	32.00	Apr. 1, 2000
200–239	(869–042–00049–8)	38.00	Apr. 1, 2000
240–End	(869–042–00050–1)	49.00	Apr. 1, 2000
18 Parts:			
1–399	(869–042–00051–0)	54.00	Apr. 1, 2000
400–End	(869–042–00052–8)	15.00	Apr. 1, 2000
19 Parts:			
1–140	(869–042–00053–6)	40.00	Apr. 1, 2000
141–199	(869–042–00054–4)	40.00	Apr. 1, 2000
200–End	(869–042–00055–2)	20.00	Apr. 1, 2000
20 Parts:			
1–399	(869–042–00056–1)	33.00	Apr. 1, 2000
400–499	(869–042–00057–9)	56.00	Apr. 1, 2000
500–End	(869–042–00058–7)	58.00	Apr. 1, 2000
21 Parts:			
1–99	(869–042–00059–5)	26.00	Apr. 1, 2000
100–169	(869–042–00060–9)	30.00	Apr. 1, 2000
170–199	(869–042–00061–7)	29.00	Apr. 1, 2000
200–299	(869–042–00062–5)	13.00	Apr. 1, 2000
300–499	(869–042–00063–3)	20.00	Apr. 1, 2000
500–599	(869–042–00064–1)	31.00	Apr. 1, 2000
600–799	(869–042–00065–0)	10.00	Apr. 1, 2000
800–1299	(869–042–00066–8)	38.00	Apr. 1, 2000
1300–End	(869–042–00067–6)	15.00	Apr. 1, 2000
22 Parts:			
1–299	(869–042–00068–4)	54.00	Apr. 1, 2000
300–End	(869–042–00069–2)	31.00	Apr. 1, 2000
23	(869–042–00070–6)	29.00	Apr. 1, 2000
24 Parts:			
0–199	(869–042–00071–4)	40.00	Apr. 1, 2000
200–499	(869–042–00072–2)	37.00	Apr. 1, 2000
500–699	(869–042–00073–1)	20.00	Apr. 1, 2000
700–1699	(869–042–00074–9)	46.00	Apr. 1, 2000
1700–End	(869–042–00075–7)	18.00	[5]Apr. 1, 2000
25	(869–042–00076–5)	52.00	Apr. 1, 2000
26 Parts:			
§§ 1.0-1–1.60	(869–042–00077–3)	31.00	Apr. 1, 2000
§§ 1.61–1.169	(869–042–00078–1)	56.00	Apr. 1, 2000
§§ 1.170–1.300	(869–042–00079–0)	38.00	Apr. 1, 2000
§§ 1.301–1.400	(869–042–00080–3)	29.00	Apr. 1, 2000
§§ 1.401–1.440	(869–042–00081–1)	47.00	Apr. 1, 2000
§§ 1.441-1.500	(869-042-00082-0)	36.00	Apr. 1, 2000
§§ 1.501–1.640	(869–042–00083–8)	32.00	Apr. 1, 2000
§§ 1.641–1.850	(869–042–00084–6)	41.00	Apr. 1, 2000
§§ 1.851–1.907	(869–042–00085–4)	43.00	Apr. 1, 2000
§§ 1.908–1.1000	(869–042–00086–2)	41.00	Apr. 1, 2000
§§ 1.1001–1.1400	(869–042–00087–1)	45.00	Apr. 1, 2000
§§ 1.1401–End	(869–042–00088–9)	66.00	Apr. 1, 2000
2–29	(869–042–00089–7)	45.00	Apr. 1, 2000
30–39	(869–042–00090–1)	31.00	Apr. 1, 2000
40–49	(869–042–00091–9)	18.00	Apr. 1, 2000
50–299	(869–042–00092–7)	23.00	Apr. 1, 2000
300–499	(869–042–00093–5)	43.00	Apr. 1, 2000
500–599	(869–042–00094–3)	12.00	Apr. 1, 2000
600–End	(869–042–00095–1)	12.00	Apr. 1, 2000
27 Parts:			
1–199	(869–042–00096–0)	59.00	Apr. 1, 2000

Title	Stock Number	Price	Revision Date
200–End	(869–042–00097–8)	18.00	Apr. 1, 2000
28 Parts:			
0-42	(869–042–00098–6)	43.00	July 1, 2000
43-end	(869-042-00099-4)	36.00	July 1, 2000
29 Parts:			
0–99	(869–042–00100–1)	33.00	July 1, 2000
100–499	(869–042–00101–0)	14.00	July 1, 2000
500–899	(869–042–00102–8)	47.00	July 1, 2000
900–1899	(869–042–00103–6)	24.00	July 1, 2000
1900–1910 (§§ 1900 to 1910.999)	(869–042–00104–4)	46.00	[6]July 1, 2000
1910 (§§ 1910.1000 to end)	(869–042–00105–2)	28.00	[6]July 1, 2000
1911–1925	(869–042–00106–1)	20.00	July 1, 2000
1926	(869–042–00107–9)	30.00	[6]July 1, 2000
1927–End	(869–042–00108–7)	49.00	July 1, 2000
30 Parts:			
1–199	(869–042–00109–5)	38.00	July 1, 2000
200–699	(869–042–00110–9)	33.00	July 1, 2000
700–End	(869–042–00111–7)	39.00	July 1, 2000
31 Parts:			
0–199	(869–042–00112–5)	23.00	July 1, 2000
200–End	(869–042–00113–3)	53.00	July 1, 2000
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–042–00114–1)	51.00	July 1, 2000
191–399	(869–042–00115–0)	62.00	July 1, 2000
400–629	(869–042–00116–8)	35.00	July 1, 2000
630–699	(869–042–00117–6)	25.00	July 1, 2000
700–799	(869–042–00118–4)	31.00	July 1, 2000
800–End	(869–042–00119–2)	32.00	July 1, 2000
33 Parts:			
1–124	(869–042–00120–6)	35.00	July 1, 2000
125–199	(869–042–00121–4)	45.00	July 1, 2000
200–End	(869–042–00122–5)	36.00	July 1, 2000
34 Parts:			
1–299	(869–042–00123–1)	31.00	July 1, 2000
300–399	(869–042–00124–9)	28.00	July 1, 2000
400–End	(869–042–00125–7)	54.00	July 1, 2000
35	(869–042–00126–5)	10.00	July 1, 2000
36 Parts			
1–199	(869–042–00127–3)	24.00	July 1, 2000
200–299	(869–042–00128–1)	24.00	July 1, 2000
300–End	(869–042–00129–0)	43.00	July 1, 2000
37	(869–042–00130–3)	32.00	July 1, 2000
38 Parts:			
0–17	(869–042–00131–1)	40.00	July 1, 2000
18–End	(869–042–00132–0)	47.00	July 1, 2000
39	(869–042–00133–8)	28.00	July 1, 2000
40 Parts:			
1–49	(869–042–00134–6)	37.00	July 1, 2000
50–51	(869–042–00135–4)	28.00	July 1, 2000
52 (52.01–52.1018)	(869–042–00136–2)	36.00	July 1, 2000
52 (52.1019–End)	(869–042–00137–1)	44.00	July 1, 2000
53–59	(869–042–00138–9)	21.00	July 1, 2000
60	(869–042–00139–7)	66.00	July 1, 2000
61–62	(869–042–00140–1)	23.00	July 1, 2000
63 (63.1–63.1119)	(869–042–00141–9)	66.00	July 1, 2000
63 (63.1200–End)	(869–042–00142–7)	49.00	July 1, 2000
64–71	(869–042–00143–5)	12.00	July 1, 2000
72–80	(869–042–00144–3)	47.00	July 1, 2000
81–85	(869–042–00145–1)	36.00	July 1, 2000
86	(869–042–00146–0)	66.00	July 1, 2000
87-135	(869–042–00146–8)	66.00	July 1, 2000
136–149	(869–042–00148–6)	42.00	July 1, 2000
150–189	(869–042–00149–4)	38.00	July 1, 2000
190–259	(869–042–00150–8)	25.00	July 1, 2000
260–265	(869–042–00151–6)	36.00	July 1, 2000
266–299	(869–042–00152–4)	35.00	July 1, 2000
300–399	(869–042–00153–2)	29.00	July 1, 2000
400–424	(869–042–00154–1)	37.00	July 1, 2000
425–699	(869–042–00155–9)	48.00	July 1, 2000
700–789	(869–042–00156–7)	46.00	July 1, 2000
790–End	(869–042–00157–5)	23.00	[6]July 1, 2000
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–042–00158–3)	15.00	July 1, 2000
101	(869–042–00159–1)	37.00	July 1, 2000
102–200	(869–042–00160–5)	21.00	July 1, 2000
201–End	(869–042–00161–3)	16.00	July 1, 2000
42 Parts:			
1–399	(869–042–00162–1)	53.00	Oct. 1, 2000
400–429	(869–042–00163–0)	55.00	Oct. 1, 2000
430–End	(869–042–00164–8)	57.00	Oct. 1, 2000
43 Parts:			
1–999	(869–042–00165–6)	45.00	Oct. 1, 2000
1000–end	(869–042–00166–4)	55.00	Oct. 1, 2000
44	(869–042–00167–2)	45.00	Oct. 1, 2000
45 Parts:			
1–199	(869–042–00168–1)	50.00	Oct. 1, 2000
200–499	(869–042–00169–9)	29.00	Oct. 1, 2000
500–1199	(869–042–00170–2)	45.00	Oct. 1, 2000
1200–End	(869–042–00171–1)	54.00	Oct. 1, 2000
46 Parts:			
1–40	(869–042–00172–9)	42.00	Oct. 1, 2000
41–69	(869–042–00173–7)	34.00	Oct. 1, 2000
70–89	(869–042–00174–5)	13.00	Oct. 1, 2000
90–139	(869–042–00175–3)	41.00	Oct. 1, 2000
140–155	(869–042–00176–1)	23.00	Oct. 1, 2000
156–165	(869–042–00177–0)	31.00	Oct. 1, 2000
166–199	(869–042–00178–8)	42.00	Oct. 1, 2000
200–499	(869–042–00179–6)	36.00	Oct. 1, 2000
500–End	(869–042–00180–0)	23.00	Oct. 1, 2000
47 Parts:			
0–19	(869–042–00181–8)	54.00	Oct. 1, 2000
20–39	(869–042–00182–6)	41.00	Oct. 1, 2000
40–69	(869–042–00183–4)	41.00	Oct. 1, 2000
70–79	(869–042–00184–2)	54.00	Oct. 1, 2000
80–End	(869–042–00185–1)	54.00	Oct. 1, 2000
48 Chapters:			
1 (Parts 1–51)	(869–042–00186–9)	57.00	Oct. 1, 2000
1 (Parts 52–99)	(869–042–00187–7)	45.00	Oct. 1, 2000
2 (Parts 201–299)	(869–042–00188–5)	53.00	Oct. 1, 2000
3–6	(869–042–00189–3)	40.00	Oct. 1, 2000
7–14	(869–042–00190–7)	52.00	Oct. 1, 2000
15–28	(869–042–00191–5)	53.00	Oct. 1, 2000
29–End	(869–042–00192–3)	38.00	Oct. 1, 2000
49 Parts:			
1–99	(869–042–00193–1)	53.00	Oct. 1, 2000
100–185	(869–042–00194–0)	57.00	Oct. 1, 2000
186–199	(869–042–00195–8)	17.00	Oct. 1, 2000
200–399	(869–042–00196–6)	57.00	Oct. 1, 2000
400–999	(869–042–00197–4)	58.00	Oct. 1, 2000
1000–1199	(869–042–00198–2)	25.00	Oct. 1, 2000
1200–End	(869–042–00199–1)	21.00	Oct. 1, 2000
50 Parts:			
1–199	(869–042–00200–8)	55.00	Oct. 1, 2000
200–599	(869–042–00201–6)	35.00	Oct. 1, 2000

Title	Stock Number	Price	Revision Date
600–End	(869–042–00202–4)	55.00	Oct. 1, 2000
CFR Index and Findings Aids	(869–042–00047–1)	53.00	Jan. 1, 2000
Complete 2000 CFR set		1,094.00	2000
Microfiche CFR Edition:			
Subscription (mailed as issued)		290.00	1999
Individual copies		1.00	1999
Complete set (one-time mailing)		247.00	1997
Complete set (one-time mailing)		264.00	1996

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2000, through January 1, 2001. The CFR volume issued as of January 1, 2000 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 1999, through April 1, 2000. The CFR volume issued as of April 1, 1999 should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 1999, through July 1, 2000. The CFR volume issued as of July 1, 1999 should be retained..